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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 April 1998

concerning the conclusion of the Agreement amending the fourth ACP-EC Convention of Lomé,
signed in Mauritius on 4 November 1995

(98/344/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Article 2

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

Having regard to the assent of the European Parliament ⁽¹⁾,

Whereas the Agreement amending the fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995, should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement amending the fourth ACP-EC Convention of Lomé, the protocols and declarations annexed thereto and the declarations attached to the Final Act are hereby approved on behalf of the Community.

The texts of the Agreement, the protocols and declarations annexed thereto and the Final Act are attached to this Decision.

1. Where the Community is required to take a position in the ACP-EC Council of Ministers, that position shall be determined by the Council acting by a qualified majority on a proposal from the Commission. However, the Council shall act unanimously when the question covers a field for which unanimity is required for the adoption of internal rules.

2. Where the Community is required to take a position in the ACP-EC Committee of Ambassadors, in cases where that Committee is required to take decisions under powers delegated to it by the ACP-EC Council of Ministers, that position shall be determined in accordance with the rules set out in paragraph 1.

3. The President of the Council shall hold the office of President of the ACP-EC Council of Ministers in accordance with Article 340 of the fourth ACP-EC Convention and shall present the Community position jointly with the Commission representative.

Article 3

Decisions of the ACP-EC Council of Ministers shall be published in the *Official Journal of the European Communities*.

⁽¹⁾ OJ C 20, 20.1.1997, p. 134.

Article 4

Done at Luxembourg, 27 April 1998.

Pursuant to Article 366 of the fourth ACP-EC Convention, the President of the Council shall deposit the act of notification provided for in Article 360 of the said Convention for the Community.

*For the Council**The President*

R. COOK

AGREEMENT
AMENDING THE
FOURTH ACP-EC CONVENTION OF LOMÉ
signed in Mauritius on 4 November 1995

PREAMBLE

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF FINLAND,

THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

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 and the Treaty establishing the European Community, hereinafter referred to as 'the Community', the States of the Community being hereinafter referred to as 'Member States',

and

THE COUNCIL OF THE EUROPEAN UNION AND THE COMMISSION OF THE EUROPEAN COMMUNITIES,

of the one part, and

THE PRESIDENT OF THE REPUBLIC OF ANGOLA,

HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA,

THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS,

THE HEAD OF STATE OF BARBADOS,

HER MAJESTY THE QUEEN OF BELIZE,

THE PRESIDENT OF THE REPUBLIC OF BENIN,

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,

THE PRESIDENT OF BURKINA FASO,
THE PRESIDENT OF THE REPUBLIC OF BURUNDI,
THE PRESIDENT OF THE REPUBLIC OF CAMEROON,
THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,
THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,
THE PRESIDENT OF THE ISLAMIC FEDERAL REPUBLIC OF THE COMOROS,
THE PRESIDENT OF THE REPUBLIC OF THE CONGO,
THE PRESIDENT OF THE REPUBLIC OF THE CÔTE D'IVOIRE,
THE PRESIDENT OF THE REPUBLIC DJIBOUTI,
THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA,
THE PRESIDENT OF THE DOMINICAN REPUBLIC,
THE PRESIDENT OF THE STATE OF ERITREA,
THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA,
THE PRESIDENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI,
THE PRESIDENT OF THE GABONESE REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF GAMBIA,
THE PRESIDENT OF THE REPUBLIC OF GHANA,
HER MAJESTY THE QUEEN OF GRENADA,
THE PRESIDENT OF THE REPUBLIC OF GUINEA,
THE PRESIDENT OF THE REPUBLIC 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 HAITI,
THE HEAD OF STATE OF JAMAICA,
THE PRESIDENT OF THE REPUBLIC OF KENYA,
THE PRESIDENT OF THE REPUBLIC OF KIRIBATI,
HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO,
THE PRESIDENT OF THE REPUBLIC OF LIBERIA,
THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR,
THE PRESIDENT OF THE REPUBLIC OF MALAWI,

THE PRESIDENT OF THE REPUBLIC OF MALI,
THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA,
THE PRESIDENT OF THE REPUBLIC OF MAURITIUS,
THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE,
THE PRESIDENT OF THE REPUBLIC OF NAMIBIA,
THE PRESIDENT OF THE REPUBLIC OF NIGER,
THE HEAD OF STATE OF THE FEDERAL REPUBLIC NIGERIA,
THE PRESIDENT OF THE REPUBLIC OF UGANDA,
HER MAJESTY THE QUEEN OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA,
THE PRESIDENT OF THE RWANDESE REPUBLIC,
HER MAJESTY THE QUEEN OF SAINT KITTS AND NEVIS,
HER MAJESTY THE QUEEN OF SAINT LUCIA,
HER MAJESTY THE QUEEN OF SAINT VINCENT AND THE GRENADINES,
THE HEAD OF STATE OF THE INDEPENDENT STATE OF WESTERN SAMOA,
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE,
THE PRESIDENT OF THE REPUBLIC OF SENEGAL,
THE PRESIDENT OF THE REPUBLIC OF THE SEYCHELLES,
THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,
HER MAJESTY THE QUEEN OF THE SOLOMON ISLANDS,
THE PRESIDENT OF THE REPUBLIC OF THE SUDAN,
THE PRESIDENT OF THE REPUBLIC OF SURINAME,
HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND,
THE PRESIDENT OF THE UNITED REPUBLIC TANZANIA,
THE PRESIDENT OF THE REPUBLIC OF CHAD,
THE PRESIDENT OF THE TOGOLESE REPUBLIC,
HIS MAJESTY KING TAUFU'AHAU TUPOU IV OF TONGA,
THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO,
HER MAJESTY THE QUEEN OF TUVALU,
THE GOVERNMENT OF THE REPUBLIC OF VANUATU,

THE PRESIDENT OF THE REPUBLIC OF ZAIRE,

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,

THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE,

whose States are hereinafter referred to as 'ACP States',

of the other part,

Contracting Parties to the fourth ACP-EC Convention signed at Lomé on 15 December 1998, hereinafter referred to as 'the Convention',

HAVING REGARD to the Treaty establishing the European Community and the Treaty establishing the European Coal and Steel Community, on the one hand, and the Georgetown Agreement constituting the group of African, Caribbean and Pacific States, on the other,

HAVING REGARD to the Convention,

CONSIDERING that Article 366(1) of the Convention lays down that the duration of the Convention shall be 10 years, starting on 1 March 1990;

CONSIDERING that, notwithstanding this provision, Article 366(2) of the Convention provides for the possibility of amending the Convention by undertaking a mid-term review;

CONSIDERING that Article 4 of the Financial Protocol to the Convention provides for the conclusion of a new Financial Protocol for the second five-year period covered by the Convention;

DESIROUS of reaffirming their attachment to the principles of freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law and wishing to make these principles an essential element of the amended Convention;

CONCERNED about the serious deterioration in the trade performance of the ACP States in recent years;

NOTING that special attention must therefore be paid in ACP-EC cooperation to the development of trade, a basic element of all self-reliant development;

CONSIDERING that, to this end, it is also essential to ensure that all the instruments provided for in the Convention are used in an effective, coordinated and consistent manner;

ANXIOUS to increase the quality and effectiveness of ACP-EC cooperation,

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

HIS MAJESTY THE KING OF THE BELGIANS:

Mr Réginald MOREELS,
State Secretary for cooperation with developing countries;

HER MAJESTY THE QUEEN OF DENMARK:

Mr Ole LØNSMANN-POULSEN,
State Secretary;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Mr Werner HOYER,
Staatsminister, Ministry for Foreign Affairs;

THE PRESIDENT OF THE HELLENIC REPUBLIC:

Mr Georges ROMAIOS,
Deputy Minister, Ministry for Foreign Affairs;

HIS MAJESTY THE KING OF SPAIN:

Mr Apolonio RUIZ LIGERO,
State Secretary for Trade;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr Jacques GODFRAIN,
Minister with responsibility for Cooperation;

THE PRESIDENT OF IRELAND:

Mr Gerard CORR,
Secretary, Department of Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr Emanuele SCAMMACCA,
State Secretary for Foreign Affairs;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Mr Georges WOHLFART,
State Secretary for Foreign Affairs, External Trade and Cooperation;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr Sjoerd GOSSES,
Director-General for European Cooperation;

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA:

Ms Benita FERRERO WALDNER,
State Secretary, Federal Ministry of Foreign Affairs;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC:

Mr José LAMEGO,
State Secretary for Foreign Affairs and Cooperation;

THE PRESIDENT OF THE REPUBLIC OF FINLAND:

Mr Pekka HAAVISTO,
Minister for Environment and Development Cooperation;

THE GOVERNMENT OF THE KINGDOM OF SWEDEN:

Mr Mats KARLSSON,
Under-Secretary of State for International Development Cooperation;

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

Lord CHESHAM,
Foreign Affairs Spokesman;

THE COUNCIL OF THE EUROPEAN UNION AND THE COMMISSION OF THE EUROPEAN COMMUNITIES:

Mr Javier SOLANA,
Minister for Foreign Affairs of the Kingdom of Spain,
President-in-Office of the Council of the European Union;

Mr João de Deus PINHEIRO,
Member of the Commission of the European Communities;

THE PRESIDENT OF THE REPUBLIC OF ANGOLA:

Mr João BAPTISTA KUSSUMVA,
Deputy Minister of Planning and Economic Coordination;

HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA:

Mr Starret D. GREENE,
Minister Counsellor;

THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS:

Mr Arthur A. FOULKES,
Ambassador Extraordinary and Plenipotentiary to the European Union;

THE HEAD OF STATE OF BARBADOS:

Mrs Billie A. MILLER,
Deputy Prime Minister and Minister for Foreign Affairs, Tourism and International Transport;

HER MAJESTY THE QUEEN OF BELIZE:

Mr Russell GARCIA,
Minister for Agriculture and Fisheries;

THE PRESIDENT OF THE REPUBLIC OF BENIN:

Mr Edmond CAKPO-TOZO,
Ambassador Extraordinary and Plenipotentiary to the European Union;

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA:

The Honourable Lieutenant General Mompoti MERAFHE,
Ministry for Foreign Affairs;

THE PRESIDENT OF BURKINA FASO:

Mr Youssouf OUEDRAOGO,
Ambassador Extraordinary and Plenipotentiary to the European Union;

THE PRESIDENT OF THE REPUBLIC OF BURUNDI:

Mr Gérard NIYIBIGIRA,
Minister for Planning;

THE PRESIDENT OF THE REPUBLIC OF CAMEROON:

Mr Justin NDIORO,
Minister of Economic Affairs and Finance;

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE:

Mr José Luis ROCHA,
Ambassador Extraordinary and Plenipotentiary to the European Union;

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC:

Mr Dogo NENDJE BHE,
Minister for Economic Affairs, Planning and International Cooperation;

THE PRESIDENT OF THE ISLAMIC FEDERAL REPUBLIC OF THE COMOROS:

Mr Mouzaïr ABDALLAH,
Minister for Foreign Affairs and Cooperation;

THE PRESIDENT OF THE REPUBLIC OF CONGO:

Mr Luc Daniel Adamo MATETA,
Minister with responsibility for the Budget and the Coordination of Public Undertakings, Ministry for Economic Affairs and Finance;

THE PRESIDENT OF THE REPUBLIC OF THE COTE D'IVOIRE:

Mr N'goran NIAMIEN,
Minister with responsibility for Economic Affairs, Finance and Planning, Prime Minister's Office;

THE PRESIDENT OF THE REPUBLIC OF DJIBOUTI:

Mr Ali Abdi FARAH,
Minister for Industry, Energy and Mines;

THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA:

Mr N. M. CHARLES,
Minister for Trade and Marketing;

THE PRESIDENT OF THE DOMINICAN REPUBLIC:

Mr Angel LOCKWARD,
Secretary of State and National Authorising Officer for the Lomé IV Convention;

THE PRESIDENT OF THE STATE OF ERITREA:

Mr BERHANE ABREHE,
Director of Macro Policy and International Economic Cooperation in the President's Office;

THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA:

Mr Girma BIRU,
Minister for Economic Affairs, Development and Cooperation;

THE PRESIDENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI:

Mr Ratu Timoci VESIKULA,
Deputy Prime Minister and Minister for Agriculture, Fisheries and Forestry;

THE PRESIDENT OF THE GABONESE REPUBLIC:

Mr Jean PING,
Minister responsible to the Minister of Finance for Economic Affairs, the Budget and Industrial Democracy;

THE PRESIDENT OF THE REPUBLIC OF GAMBIA:

Mr Bala Garba JAHUMPA,
Minister for Finance and Economic Affairs;

THE PRESIDENT OF THE REPUBLIC OF GHANA:

Mr Alex Ntim ABANKWA,
Ambassador Extraordinary and Plenipotentiary to the European Union;

HER MAJESTY THE QUEEN OF GRENADA:

Mr Samuel ORGIAS,
Chargé d'Affaires to the European Union;

THE PRESIDENT OF THE REPUBLIC OF GUINEA:

Mr Bobo CAMARA,
Ambassador Extraordinary and Plenipotentiary to the European Union;

THE PRESIDENT OF THE REPUBLIC OF GUINEA-BISSAU:

Mr Aristides GOMES,
Minister for Planning and Cooperation;

THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL GUINEA:

Mr Aurélio MBA OLO ANDEME,
Head of Mission to the European Union;

THE PRESIDENT OF THE COOPERATIVE REPUBLIC OF GUYANA:

Mr Clement J. ROHEE,
Minister for Foreign Affairs;

THE PRESIDENT OF THE REPUBLIC OF HAITI:

Mr Jean-Marie CHERESTAL,
Minister for Planning and External Cooperation;

THE HEAD OF STATE OF JAMAICA:

Mr Anthony HYLTON,
Secretary of State for Foreign Affairs and External Trade;

THE PRESIDENT OF THE REPUBLIC OF KENYA:

Dr Philip Maingi MWANZIA,
Ambassador Extraordinary and Plenipotentiary to the European Union;

THE PRESIDENT OF THE REPUBLIC OF KIRIBATI:

Mr Peter Sobby TSIAMALILI,
Ambassador Extraordinary and Plenipotentiary of the Mission of Papua New Guinea to the European Union;

HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO:

Mr Moeketsi SENAOANA,
Minister for Finance and Economic Planning;

THE PRESIDENT OF THE REPUBLIC OF LIBERIA:

Ms Youngor TELEWODA,
Chargé d'Affaires to the European Union;

THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR:

Mr Bertrand RAZAFINTSALAMA,
Ambassador of Madagascar to the Republic of Mauritius;

THE PRESIDENT OF THE REPUBLIC OF MALAWI:

Mr F. Peter KALILOMBE,
Minister for Trade and Industry;

THE PRESIDENT OF THE REPUBLIC OF MALI:

Mr N'Tji Laïco TRAORE,
Ambassador Extraordinary and Plenipotentiary to the European Union;

THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA,

Mr Achour ould SAMBA,
Secretary-General of the Ministry of Planning;

THE PRESIDENT OF THE REPUBLIC OF MAURITIUS:

Mr Paramhamsa NABABSING,
Deputy Prime Minister and Minister for Economic Planning and Development;

THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE:

Ms Frances Victoria VELHO RODRIGUES,
Deputy Minister for Foreign Affairs and Cooperation;

THE PRESIDENT OF THE REPUBLIC OF NAMIBIA:

Mr Stanley WEBSTER,
Deputy Minister for Agriculture, Water Resources and Rural Development;

THE PRESIDENT OF THE REPUBLIC OF NIGER:

Mr Almoustapha SOUMAILA,
Minister for Finance and Planning;

THE HEAD OF STATE OF THE FEDERAL REPUBLIC OF NIGERIA:

Chief Ayo OGUNLADE,
Minister for National Planning;

THE PRESIDENT OF THE REPUBLIC OF UGANDA:

Mr M. N. RUKIKAIRE,
Minister of State for Finance and Economic Planning;

HER MAJESTY THE QUEEN OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA:

Mr Moi AVEL,
Minister for National Planning;

THE PRESIDENT OF THE RWANDESE REPUBLIC:

Mr Jean-Berchmans BIRARA,
Minister for Planning;

HER MAJESTY THE QUEEN OF SAINT KITTS AND NEVIS:

Mr Edwin LAURENT,
Ambassador Extraordinary and Plenipotentiary of Saint Lucia to the European Union;

HER MAJESTY THE QUEEN OF SAINT LUCIA:

Mr Edwin LAURENT,
Ambassador Extraordinary and Plenipotentiary of Saint Lucia to the European Union;

HER MAJESTY THE QUEEN OF SAINT VINCENT AND THE GRENADINES:

Mr Edwin LAURENT,
Ambassador Extraordinary and Plenipotentiary of Saint Lucia to the European Union;

THE HEAD OF STATE OF THE INDEPENDENT STATE OF WESTERN SAMOA:

Mr Tuilaepa S. MALIELEGAOI,
Deputy Prime Minister and Minister for Finance;

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

Mr Guilherme POSSER da COSTA,
Minister for Foreign Affairs and Cooperation;

THE PRESIDENT OF THE REPUBLIC OF SENEGAL:

Mr Falilou KANE,
Ambassador Extraordinary and Plenipotentiary to the European Union;

THE PRESIDENT OF THE REPUBLIC OF THE SEYCHELLES:

Ms Danielle de St JORRE,
Minister for Foreign Affairs, Planning and the Environment;

THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE:

Mr Victor O. BRANDON,
State Secretary for Development and Economic Planning;

HER MAJESTY THE QUEEN OF THE SOLOMON ISLANDS:

Mr David SITAI,
Minister for the National Plan and Development;

THE PRESIDENT OF THE REPUBLIC OF THE SUDAN:

Mr Abdalla Hassan AHMED,
Minister for Finances;

THE PRESIDENT OF THE REPUBLIC OF SURINAME:

Mr Richard B. KALLOE
Minister for Trade and Industry;

HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND:

Mr James Majahenkhaba DLAMINI,
Minister for Trade and Industry;

THE PRESIDENT OF THE REPUBLIC OF TANZANIA:

Mr M. T. KIBWANA,
Commissioner responsible for External Finance, Ministry for Finance;

THE PRESIDENT OF THE REPUBLIC OF CHAD:

Ms Mariam Mahamat NOUR,
Minister for Planning and Cooperation;

THE PRESIDENT OF THE TOGOLESE REPUBLIC:

Mr Elliot Latevi-Atcho LAWSON,
Ambassador Extraordinary and Plenipotentiary to the European Union;

HIS MAJESTY KING TAUFA'AHAU TUPOU IV OF TONGA:

Mr Sione KITE,
Ambassador Extraordinary and Plenipotentiary to the European Union;

THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO:

Mr Kingston CUMBERBARCH,
Ambassador Extraordinary and Plenipotentiary to the European Union;

HER MAJESTY THE QUEEN OF TUVALU:

Mr Kaliopate TAVOLA,
Ambassador Extraordinary and Plenipotentiary to the European Union;

THE GOVERNMENT OF VANUATU:

Mr Serge VOHOR,
Minister for Economic Affairs;

THE PRESIDENT OF THE REPUBLIC OF ZAIRE:

Mr MOZAGBA Ngbuka,
Deputy Prime Minister and Minister for International Cooperation;

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA:

Mr Dipak K. A. PATEL,
Minister for Trade and Industry;

THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE:

Mr Denis NORMAN,
Minister for Agriculture;

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

HAVE AGREED AS FOLLOWS:

In accordance with the procedure laid down in its Article 366, the Fourth ACP-EC Convention shall be amended by the following provisions:

A. THROUGHOUT THIS CONVENTION

1. The term 'European Economic Community' shall be replaced by the term 'European Community', the abbreviation 'EEC' by 'EC' and the term 'Council of the European Communities' by the term 'Council of the European Union'.

2. The term 'Delegate' shall be replaced by the term 'Head of Delegation'.

B. THE PREAMBLE

3. In the Preamble, the following shall be inserted as a seventh recital:

'WISHING to strengthen further their links through greater political dialogue and its extension to issues and problems of foreign policy and security and those of general interest and/or of common interest to a group of countries;'

C. PART ONE — THE GENERAL PROVISIONS OF ACP-EC COOPERATION

4. In Article 4, the following paragraph shall be added:

'In support of the development strategies of the ACP States, due account shall be taken of the objectives and priorities of the Community's cooperation policy and the ACP States' development policies and priorities.'

5. Article 5 shall be replaced by the following:

'Article 5

1. Cooperation shall be directed towards development centred on man, the main protagonist and beneficiary of development, which thus entails respect for and promotion of all human rights. Cooperation operations shall thus be conceived in accordance with this positive approach, where respect for human rights is recognised as a basic factor of real development and where cooperation is conceived as a contribution to the promotion of these rights.

In this context development policy and cooperation shall be closely linked to respect for and enjoyment of fundamental human rights and to the recognition and application of democratic principles, the consolidation of the rule of law and good governance. The role and potential of initiatives taken by individuals and groups shall be recognised in order to achieve in practice real participation of the population in the development process in accordance with Article 13. In this context good governance shall be a particular aim of cooperation operations.

Respect for human rights, democratic principles and the rule of law, which underpins relations between the ACP States and the Community and all provisions of the Convention, and governs the domestic and international policies of the Contracting Parties, shall constitute an essential element of this Convention.

2. The Contracting Parties therefore reiterate their deep attachment to human dignity and human rights, which are legitimate aspirations of individuals and peoples. The rights in question are all human rights, the various categories thereof being indivisible and interrelated, each having its own legitimacy: non-discriminatory treatment; fundamental human rights; civil and political rights; economic, social and cultural rights.

Every individual shall have the right, in his own country or in a host country, to respect for his dignity and to protection by the law.

ACP-EC cooperation shall help abolish the obstacles preventing individuals and peoples from actually enjoying to the full their economic, social political and cultural rights and this must be achieved through development which is essential to their dignity, their well-being and their self-fulfilment.

The Contracting Parties hereby reaffirm their existing obligations and commitment in international law to strive to eliminate all forms of discrimination based on ethnic group, origin, race, nationality, colour, sex, language, religion or any other situation. This commitment applies more particularly to any situation in the ACP States or in the Community that may adversely affect the pursuit of the objectives of the Convention. The Member States (and/or, where appropriate, the

Community itself) and the ACP States will continue to ensure, through the legal or administrative measures which they have or will have adopted, that migrant workers, students and other foreign nationals legally within their territory are not subjected to discrimination on the basis of racial, religious, cultural or social differences, notably in respect of housing, education, health care, other social services and employment.

3. At the request of the ACP States, financial resources may be allocated, in accordance with the rules governing development finance cooperation, to the promotion of human rights in the ACP States and to measures aimed at democratisation, a strengthening of the rule of law and good governance. Practical steps, whether public or private, to promote human rights and democracy, especially in the legal domain, may be carried out with organisations having internationally recognised expertise in this sphere.

In addition, with a view to supporting institutional and administrative reform, the resources provided for in the Financial Protocol for this purpose can be used to complement the measures taken by the ACP States concerned, within the framework of its indicative programme, in particular at the preparatory and start-up stage of the relevant projects and programmes.'

6. In Article 6, paragraph 2 shall be replaced by the following:

'2. The Contracting Parties recognise that priority must be given to environmental protection and the conservation of natural resources, which are essential conditions for sustainable and balanced development from both the economic and human viewpoints. They recognise the importance of promoting, in ACP States, an environment favourable to the development of the market economy and of the private sector.'

7. The following Article 6a shall be inserted:

'Article 6a

The Contracting Parties recognise the fundamental importance of trade in energising the development process. The Community and the ACP States therefore agree to give high priority to the

development of trade with a view to accelerating the growth of the ACP States' economies and to integrating them into the world economy in a harmonious and gradual manner. In recognition thereof, adequate resources should be devoted to the expansion of ACP trade.'

8. Article 12 shall be replaced by the following:

'Article 12

Without prejudice to Article 366a, where the Community intends, in the exercise of its powers, to take a measure which might affect the interests of the ACP States as far as this Convention's objectives are concerned, it shall inform in good time the said States of its intentions. Towards this end, the Commission shall communicate simultaneously to the Secretariat of the ACP States its proposals for such measures. Where necessary, a request for information may also take place on the initiative of the ACP States.

At their request, consultations shall be held promptly so that account may be taken of their concerns as to the impact of those measures before any final decision is made.

After such consultations have taken place, the ACP States may, in addition, transmit their concerns in writing to the Community and submit suggestions for amendments indicating the way their concerns should be met.

If the Community does not accede to the ACP States' submissions, it shall advise them as soon as possible giving its reasons.

The ACP States shall also be provided with adequate information on the entry into force of such decisions, in advance whenever possible.'

9. The following Article 12a shall be inserted:

'Article 12a

Recognising the potential for positive contributions by the agents of decentralised cooperation to the development of the ACP States, the Contracting Parties agree to intensify their efforts to encourage the participation of ACP and Community agents in cooperation activities. To this end, the resources of this Convention may be used to support decentralised cooperation operations. These

operations shall conform to the priorities, guidelines and development methods determined by the ACP States.'

10. The following Article 15a shall be inserted:

'Article 15a

Trade development shall be aimed at developing, diversifying and increasing the ACP States' trade and improving their competitiveness in their domestic markets, the regional and intra-ACP market, and in the Community and international markets. The Contracting Parties undertake to use all the means available under this Convention, including trade cooperation and those on financial and technical cooperation, for the achievement of this objective. They also agree to implement the provisions of this Convention in a coherent and coordinated manner.'

11. Articles 20, 21 and 22 shall be deleted.

12. In Article 30, the following paragraph 3 shall be added:

'3. In addition, the Council of Ministers shall conduct an enlarged political dialogue. To this end, the Contracting Parties shall organise themselves to ensure an effective dialogue.

Such dialogue may also take place outside this framework, with a geographical or other composition suited to the subjects under discussion, where the need is felt by the Contracting Parties.'

13. In Article 32, paragraph 1 shall be replaced by the following:

'1. The Joint Assembly shall be composed of equal numbers of, on the one hand, members of the European Parliament on the Community side and, on the other hand, members of the Parliament or, failing this, representatives designated by the Parliament of the ACP State concerned. In the absence of a Parliament, the attendance of a representative shall be subject to prior approval by the Joint Assembly.'

D. PART TWO — THE AREAS OF ACP-EC COOPERATION

14. In Article 50, the following paragraph 3 shall be added:

'3. The specific agreements referred to in paragraph 2 shall not put in jeopardy production and trade flows in ACP regions.'

15. In the second paragraph of Article 51, subparagraphs (b), (c) and (e) shall be replaced by the following:

'(b) where products supplied as food aid are sold, they must be sold at a price which will not disrupt the domestic market or restrict the development and enhancement of regional trade in the products concerned. The resulting counterpart funds shall be used to finance the execution or running of projects or programmes with a major rural development component; these funds may also be used for all legitimate purposes approved by common agreement, taking into account Article 226(d);

(c) where the products supplied are distributed free of charge, they must form part of nutrition programmes aimed in particular at vulnerable sections of the population or be delivered as remuneration for work and must take account of trade flows of the ACP States concerned and within the region;

(e) as a matter of priority, the products supplied must meet the needs of the recipients. In the selection of such products, account should be taken in particular of the ratio of cost to specific nutritive value and of the effect the choice might have on consumer habits, and on domestic and regional trade development.'

16. Article 87 shall be replaced by the following:

'Article 87

1. The Committee of Ambassadors shall appoint the members of a committee on industrial cooperation, supervise its operation, and determine its composition and its rules of operation.

2. The Committee on Industrial Cooperation shall review the progress made in the implementation of ACP-EC industrial cooperation policy. As regards the Centre for the Development of Industry, hereinafter referred to as the CDI, the Committee shall examine and approve:

(a) the overall strategy of the CDI;

(b) the apportionment on an annual basis of the overall financial allocation provided for in Article 3 of the Second Financial Protocol;

(c) the CDI's annual budget and annual accounts.

3. The Committee on Industrial Cooperation shall report to the Committee of Ambassadors. In addition to the duties referred to above, it shall carry out the duties laid down in its rules of procedure and such other duties as may be assigned to it by the Committee of Ambassadors.'

17. Article 88 shall be deleted.

18. Article 89 shall be replaced by the following:

'Article 89

1. The CDI shall help to establish and strengthen industrial enterprises in the ACP States, especially by encouraging joint initiatives by economic operators of the Community and of the ACP States. The CDI shall exercise selectiveness in undertaking its tasks, laying emphasis on opportunities for joint ventures and subcontracting.

2. The CDI shall:

(a) with a view to ensuring its effectiveness, focus its efforts on ACP States that have:

(i) identified support for industrial development, or for the private sector in general, within the framework of Article 281(2)(b) and (c) in their indicative programmes; and/or

(ii) obtained financial contributions and assistance from other Community institutions for the promotion and development of the private and/or the industrial sector;

(b) carry out its activities in the framework of the implementation of industrial-development or private-sector support programmes established by the ACP States referred to in subparagraph (a) for their indicative programmes;

(c) step up its operational presence in the States referred to in subparagraph (a), particularly with regard to the identification of projects and project promoters and to providing assistance for the presentation of such projects to the financing institutions;

(d) give priority to the identification of operators with viable small to medium-sized industrial projects and, in the case of those meeting the

needs of the ACP States concerned, to assisting them in their promotion and implementation.

3. The Commission, the European Investment Bank (hereinafter referred to as "the Bank") and the CDI shall maintain operational cooperation in the context of their respective responsibilities. To this end, and to ensure the consistency of Community operations in support of the private sector, in general, and the industrial sector, in particular, in the ACP States referred to in paragraph 2(a), the Commission shall, in consultation with the Bank and in liaison with the CDI, prepare support programmes for these sectors that incorporate guidelines for the strategy to be pursued.'

19. Article 91 shall be replaced by the following:

'Article 91

The CDI shall be headed by a Director assisted by a Deputy Director, recruited on the basis of their professional qualifications, technical skills and management experience, taking due account of the provisions of Annex XIV, both of whom shall be appointed by the Committee on Industrial Cooperation. The management of the CDI shall implement the guidelines laid down by the Committee on Industrial Cooperation and shall be answerable to the Executive Board.'

20. Article 92 shall be replaced by the following:

'Article 92

1. The Committee on Industrial Cooperation shall appoint the members of the Executive Board of the CDI, supervise its operation, and determine its composition and its rules of operation. The Board shall be composed of six independent, highly qualified persons with considerable experience of industrial cooperation appointed on the basis of parity between the ACP and the Community. The Commission, the Bank, the ACP Secretariat and the Council Secretariat shall each have a representative present at its proceedings as observers.

2. The Board shall:

(a) submit to the Committee on Industrial Cooperation, for its consideration and approval proposals concerning the CDI's overall strategy, its annual budget and its annual

accounts which it has adopted on the basis of proposals submitted to it by the CDI management;

(b) approve, on a proposal from the Director of the CDI: multiannual and annual programmes of activities, the annual report, the organisational structure, staffing policy and establishment plan;

(c) ensure that the overall strategy and annual budgets approved by the Committee on Industrial Cooperation are implemented efficiently and properly by the CDI management.

3. The Board shall in addition to the duties referred to above, carry out the duties laid down in its rules of procedure and such other duties as may be assigned to it by the Committee on Industrial Cooperation. The Board shall report to the Committee on Industrial Cooperation on a periodic basis on issues arising from the discharge of the Board's duties.'

21. In Article 93, paragraph 3 shall be replaced by the following:

'3. The CDI's Statute, financial and staff regulations and rules of procedure shall be adopted by the Committee of Ambassadors after the signing of the Second Financial Protocol'.

22. Articles 94, 95 and 96 shall be deleted.

23. In Article 129, the number '1' shall be inserted at the beginning of the sole paragraph and the following paragraphs 2 and 3 shall be added:

'2. With a view to contributing to the promotion and development of the ACP maritime trade, the Contracting Parties may, in the framework of the implementation of development finance cooperation, give special attention within the existing instruments to the facilitation and encouragement of access for ACP maritime operators to the resources provided for in this Convention, in particular as regards projects and programmes for improving the competitiveness of their maritime services.

3. The Community may give assistance in the form of risk-capital and/or loans by the Bank to finance projects and programmes in the sectors set out in this Article.'

24. Article 135 shall be replaced by the following:

'Article 135

With a view to attaining the objectives set out in Article 15a, the Contracting Parties shall implement measures for the development of trade at all stages up to final distribution of the product.

The object is to ensure that the ACP States derive the maximum benefit from the provisions of this Convention and may participate under the most favourable conditions in the Community, domestic, subregional, regional and international markets by diversifying the range and increasing the value and the volume of ACP States' trade in goods and services.

To this end the ACP States and the Community undertake to ensure that high priority is given to trade development programmes in the context of establishing national and regional programmes as provided for in Article 281 and other relevant provisions of this Convention.'

25. In Article 136, paragraphs 1 and 2 shall be replaced by the following:

'1. In addition to developing trade between the ACP States and the Community, particular attention shall be given to operations designed to increase the ACP States' self-reliance, develop intra-ACP and international trade and improve regional cooperation in trade and services.

2. Within the instruments provided for in this Convention and in accordance with the provisions set out in relation thereto, operations shall be undertaken at the request of the ACP States and ACP regions, particularly in the following areas:

- support for the definition of appropriate macroeconomic policies necessary for trade development,
- support for the creation or reform of appropriate legal and regulatory frameworks as well as for the reform of administrative procedures,
- the establishment of coherent trade strategies,

- support for ACP States in developing their internal capacities, information systems and awareness of the role and importance of trade in economic development,
- support for strengthening the infrastructure related to trade and in particular support for the ACP States' efforts to develop and improve supportive service infrastructure, including transport and storage facilities, in order to ensure their effective participation in the distribution of goods and services and in order to enhance the flow of exports from the ACP States,
- development of human resources and professional skills in the field of trade and services, in particular in the processing, marketing, distribution and transport sectors for the Community, regional and international markets,
- support to private sector development and, in particular, to small and medium-sized enterprises for product identification and development, market outlets and export-oriented joint ventures,
- support for ACP actions aimed at encouraging and attracting private investment and joint venture operations,
- the establishment, adaptation and strengthening of organisations in the ACP States dealing with the development of trade and services, particular attention being paid to the special needs of organisations in the least-developed, landlocked and island ACP States,
- support for the ACP States' effort to develop and improve the quality of their products, adapt them to market requirements and diversify their outlets,
- support for the ACP States' efforts to penetrate third country markets more effectively,
- market development measures including increasing contacts and exchange of information between economic operators in ACP States, the Member States of the Community and in third countries,
- support for ACP States in the application of modern marketing techniques in production-oriented sectors and programmes, in particular in areas such as rural development and agriculture.'

26. In Article 136, paragraph 4, the word ‘should’ shall be replaced by ‘may’ (concerns only the English text).
 27. Article 141 shall be replaced by the following:

‘Article 141

1. The Foundation for ACP-EC Cultural Cooperation and other specialised institutions may make a contribution to the implementation of the objectives of this Title in their sphere of activity.

2. In respect of cultural cooperation, activities undertaken to this end shall cover the following areas:

(a) studies, research and measures concerning the cultural aspects of taking into account the cultural dimension of cooperation;

(b) studies, research and measures to promote the cultural identities of the ACP peoples and all initiatives likely to contribute to intercultural dialogue.’
 28. In Article 159, subparagraph (j) shall be replaced by the following:

‘(j) support, at the request of the ACP States concerned, for operations and structures which promote the coordination of sectoral policies including trade development and structural adjustment efforts.’
 29. In Article 164, subparagraph 1(d) shall be replaced by the following:

‘(d) requests for financing for intra-ACP regional cooperation schemes may be submitted by the ACP Council of Ministers, or, by specific delegation, by the ACP Committee of Ambassadors. In this context, the Community shall inform the ACP States, at the beginning of the period covered by the Second Financial Protocol of the amount of financial resources available for intra-ACP regional cooperation.’

E. PART THREE — THE INSTRUMENTS OF ACP-EC COOPERATION

 30. In Article 167, paragraph 2 shall be replaced by the following:

‘2. In the pursuit of this objective, particular regard shall be had to securing effective additional advantages for ACP States’ trade with the Community, and to improving the conditions of access for their products to the market in order to accelerate the growth of their trade and, in particular, of the flow of their exports to the Community, and to ensure a better balance in the trade of the Contracting Parties and thus accelerate the exports to regional and international markets.’
 31. In Article 177, paragraph 1 shall be replaced by the following:

‘1. Should application of this Chapter result in serious disturbances in a sector of the economy of the Community or of one or more of the Member States, or jeopardise their external financial stability, or if difficulties arise which may result in a deterioration thereof, the Community may take safeguard measures. These measures shall be notified immediately to the Council of Ministers.’
 32. In Article 178, paragraph 3 shall be replaced by the following:

‘3. However, the prior consultation provided for in paragraphs 1 and 2 shall not prevent any immediate decisions which the Community, in accordance with Article 177(1), might take where special factors have necessitated such decisions.’
 33. In Article 181, second paragraph, subparagraph (4) shall be replaced by the following:

‘(4) where the Community takes safeguard measures in accordance with Article 177, 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 177(3).’
 34. In Article 187, paragraph 1, item 24 shall be replaced by the following:

‘24. Fresh bananas 0803 00 11 and 19’

and the following item 50 shall be added:

‘50. Karakul skins ex 4301 30 00

ex 4302 13 00

ex 4302 30 31.’

35. In Article 193, the following subparagraph 4 shall be added:
- ‘4. amounts accruing from the application of the first subparagraph of Article 366a(3).’
36. In Article 194, the following paragraph 5 shall be added:
- ‘5. Other than the reduction referred to in paragraph 2, there shall be no further reduction of the transfer basis as a result of a shortfall in the resources of the system if, in the case of least developed or landlocked ACP States, the transfer basis so reduced in accordance with paragraph 2 is less than ECU 2 million, or, in the case of island States, is less than ECU 1 million.’
37. Article 203 shall be replaced by the following:
- ‘Article 203*
1. Should the examination of:
- (a) marketed production in the application year by comparison with the reference period, or
- (b) total exports as a share of marketed production over the same period, or
- (c) the share of total exports going to the Community over the same period, or
- (d) the sum of figures referred to in (b) and (c)
- reveal of large decline, consultations shall be held between the Commission and that ACP State to determine whether the transfer basis is to be maintained or reduced, and, if reduced, to what extent.
2. For the purpose of applying paragraph 1, a decline shall be deemed to be large if it is at least 20 %.’
38. In Article 209, paragraph 4 shall be replaced by the following:
- ‘4. Where there is an adjustment programme in place, including operations designed to restructure production and export activities, or to achieve diversification, the resources will be used in conformity with these efforts and in order to support any consistent reform policy.’
39. In Article 211, paragraph 1 shall be replaced by the following:
- ‘1. The transfer shall be made in ecus on signature of the transfer agreement referred to in Article 205(2) into an interest-bearing account in a Member State, for which the presentation of two signatures, that of the ACP State and that of the Commission, shall be required. Any interest shall be credited to this account.’
40. In Article 220, the following subparagraph (p) shall be added:
- ‘(p) provide support for the definition and implementation of trade policies and programmes to foster the harmonious and gradual integration of ACP State into the world economy.’
41. In Article 224:
- subparagraph (d) shall be replaced by the following:
- ‘(d) budgetary support intended to alleviate domestic financial constraints:
- (i) either directly, for the ACP States whose currencies are convertible and freely transferable;
- (ii) or indirectly, from counterpart funds generated by the various Community instruments;’
- subparagraph (i) shall be replaced by the following:
- ‘(i) the human and material resources supplementary to those borne by the ACP States which are strictly necessary for efficient and effective administration and supervision of projects and programmes financed by the European Development Fund, hereinafter referred to as “the Fund”.’;
- the following subparagraph (m) shall be added:
- ‘(m) support for institutional and administrative reform measures, with a view to democratisation and the rule of law.’
42. In Article 230, subparagraph 2(g) shall be replaced by the following:
- ‘(g) agents of decentralised cooperation from ACP States and from the Community, to enable them to undertake economic, cultural, social and educational projects and programmes in the ACP States in the framework of decentralised cooperation.’

43. In Article 233, paragraph 4 shall be replaced by the following:
- ‘4. Where financial assistance is granted to the final recipient through an intermediary or directly to the final beneficiary in the private sector:
- (a) the terms on which the assistance may be made available by the intermediary to the final recipient or directly to the final beneficiary in the private sector shall be laid down in the financing agreement or loan contract, and
- (b) any financial benefit accruing to the intermediary from the on-lending transaction, or resulting from a direct lending operation to the final beneficiary in the private sector, shall be used for development purposes, on the conditions laid down in the financing agreement or the loan contract, after taking into account administrative costs, exchange and financial risks, and the cost of technical assistance given to the final recipient.’
44. In Article 234:
- the introductory words shall be replaced by the following:
- ‘1. Risk capital may be deployed in the form of loans, equity participation or other quasi-capital assistance’,
- the following subparagraph 1(b)a shall be inserted:
- ‘(b)a quasi-capital assistance may consist of shareholders’ advances, convertible bonds, loans with participating rights or any other similar form of assistance’,
- subparagraph 1(c) shall be replaced by the following:
- ‘(c) the terms of risk capital operations shall depend on the characteristics of each project or programme financed and shall in general be more favourable than those of subsidised loans. In the case of loans to the ACP or to intermediaries the interest rate shall, in any case, be less than 3 %’,
- the following subparagraphs 1(c)a and 1(c)b shall be inserted:
- ‘(c)a risk capital resources may be used in support of preinvestment studies and technical assistance, as provided for in Article 268(1)(g). In such cases, the loans shall be repaid only if the investment is carried out.
- (c)b equity participation or other quasi-capital assistance shall be remunerated on the basis of the performance of the project or programme considered and profits generated shall be shared between the Community and the parties engaged in the said project or programme’,
- subparagraph 2(b) shall be replaced by the following:
- ‘(b) in the case of risk capital financing for small and medium-sized enterprises, hereinafter referred to as “SMEs”, the exchange rate risk shall be shared by the Community, on the one part, and by the other parties involved, on the other. On average, the foreign exchange risk shall be shared equally.’
45. In Article 235, the following subparagraph (b)a shall be inserted:
- ‘(b)a in the case of direct financing of the private sector for strictly commercial projects, the rate of subsidy referred to in subparagraph (b) shall not apply for loans granted to non-ACP borrowers or ACP companies with majority non-ACP shareholding;’.
46. In Article 236 subparagraph (a) shall be replaced by the following:
- ‘(a) contribute, through the resources it manages, to the economic and industrial development of the ACP States on a national and regional scale; and to this end, finance as a priority productive projects and programmes, or other investments aimed at promoting the private sector, in industry, agroindustry, tourism, mining, energy and in transport and telecommunications linked to these sectors. These sectoral priorities shall not exclude the possibility of the Bank’s financing, from its own resources, productive projects and programmes in other sectors, including commercial agriculture;’.
47. In Article 243, the number ‘1’ shall be inserted at the beginning of the sole paragraph and the following paragraph 2 shall be added:
- ‘2. the ACP States and the Community recognise also the necessity to encourage reform programmes at regional level ensuring that, in the preparation and execution of national programmes, due consideration is given to regional activities which have an influence on national development. To this

end, support for structural adjustment shall also seek:

- (a) to incorporate, from the beginning of the diagnosis, measures to encourage regional integration and take account of the consequences of transborder adjustment;
- (b) to support the harmonisation and coordination of macroeconomic and sectoral policies, including fiscal and customs areas, so as to fulfil the dual aim of regional integration and of structural reform at national level;
- (c) to encourage and support implementation of sectoral reform policies at regional level;
- (d) to support the liberalisation of trade and payments and transborder investments.’

48. In Article 244, subparagraph (c) shall be replaced by the following:

‘(c) assistance shall be supportive of the ACP States’ priority development objectives such as agricultural and rural development, food security, PMDT, trade development and environment protection and contribute to the attenuation of the debt burden;’.

49. In Article 246, the introductory phrase of paragraph 1 shall be replaced by the following:

‘1. All ACP States shall in principle be eligible for structural adjustment assistance depending on the scope of the reforms being undertaken or contemplated at the macroeconomic or sectoral level, giving consideration to the regional context, their effectiveness, and their likely impact on the economic, social and political dimension of development, and on economic and social hardships being experienced, as reflected by indicators such as:’.

50. In Article 247:

— paragraph 2 shall be replaced by the following:

‘2. Such support for adjustment effort shall take the form of:

- (a) sectoral or general import programmes in accordance with Articles 224(c) and 225;

(b) budgetary support in accordance with Article 224(d);

(c) technical assistance related to structural adjustment support programmes.’,

— paragraph 4 shall be replaced by the following:

‘4. Structural adjustment support shall be implemented flexibly by applying the following instruments as the circumstances demand:

(a) general import programme (GIP) in keeping with the approach to structural adjustment support laid down in this convention will usually be the most appropriate instrument for countries carrying out macroeconomic reforms;

(b) budgetary support in order to assist ACP States to improve the implementation of their budgets with integrity, efficacy and equity;

(c) sector import programme (SIP) could be used for supporting a sectoral adjustment programme or in a situation of macroeconomic reforms with a view to achieving a greater sectoral impact.’,

— the following paragraph 5 shall be added:

‘5. The instruments defined in paragraph 4 can also be used, according to the same arrangements to support the ACP States eligible according to Article 246 implementing reforms aiming at intraregional economic liberalisation which generate net transitional costs.’

51. In Article 248, subparagraph (c) shall be replaced by the following:

‘(c) ensure that the eligibility of ACP economic operators for access to the resources of the programme is as wide and transparent as possible, and that the procurement procedures accord with the administrative and commercial practices in the State concerned, while ensuring the best possible price/quality ratio on imported goods and the necessary consistency with progress achieved internationally in harmonising the procedures for supporting structural adjustment;’.

52. In Title III, Chapter 2, the following Section 4a shall be inserted:

‘Section 4a

Decentralised cooperation

Article 251a

1. With a view to strengthening and diversifying the basis for the long-term development of the ACP States, and in order to encourage all agents from the ACP States and the Community which are in a position to contribute to the autonomous development of the ACP States to put forward and implement initiatives, ACP-EC cooperation shall support, within limits laid down by the ACP States concerned, such development operations within the framework of decentralised cooperation, in particular where they combine the efforts and resources of organisations from the ACP States and their counterparts from the Community. This form of cooperation shall, in particular, aim at making available for the development of the ACP States the capabilities, innovative operating methods and resources of the agents of decentralised cooperation.

2. The agents referred to in this Article are decentralised public authorities, rural and village groups, cooperatives, trade unions, teaching and research institutions, non-governmental development organisations, other associations, groups and agents which are able and wish to contribute to the development of the ACP States on their own initiative, provided that the agents and/or the operations are non-profit-making.

Article 251b

1. In the framework of ACP-EC cooperation, special efforts shall be made to encourage and support the initiatives of the agents from the ACP States and, in particular, to reinforce the capabilities of these agents. In this framework the cooperation shall support the activities of the ACP agents either on their own or in association with similar agents from the Community which make their capabilities, experience, technological and organisational capacities or financial resources available to the ACP counterparts.

2. Decentralised cooperation shall encourage agents from the ACP States and from the Community to provide supplementary financial and technical resources for the development effort including encouragement of partnerships between such agents. The cooperation may provide decentralised cooperation operations with financial and/or technical support drawn from the resources

provided for by this Convention under the conditions laid down in Articles 251c, 251d and 251e.

3. This form of cooperation shall be organised in accordance with the role and the prerogative of the public authorities of the ACP States.

Article 251c

1. Decentralised cooperation operations may be supported out of the financial resources of the indicative programme or from counterpart funds. The extent of the support shall be that which is necessary for the successful implementation of the proposed operations provided that the viability of the proposed operations has been established in accordance with the provisions for development finance cooperation.

2. Projects or programmes under this form of cooperation may or may not be linked to programmes in the sectors of concentration of the indicative programmes, but may be a way of achieving the specific objectives of the indicative programme or the results of initiatives by decentralised agents.

Article 251d

1. Projects and programmes undertaken within the framework of decentralised cooperation shall be subject to the approval of the ACP States. These operations shall be financed with contributions from:

- (a) the Fund, in which case the contribution shall not normally exceed three quarters of the total cost of each project, or programme, and may not exceed ECU 300 000. The amount representing the Fund's contribution shall be drawn from the grant allocation of the national or regional indicative programme;
- (b) the agents of decentralised cooperation, provided that the financial, technical, material and other resources brought in by such agents shall not normally be less than 25 % of the estimated cost of the project/programme, and
- (c) exceptionally, by the ACP State concerned, either in the form of financial contribution or through the use of public equipment or the supply of services.

2. The procedures applicable to projects and programmes financed within the framework of decentralised cooperation shall be those laid down in Chapter 5 of this Title, in particular, those referred to in Article 290.

Article 251e

In addition to the possibilities offered to the agents of decentralised cooperation in this section, in Articles 252 and 253 relating to micro-projects, Article 278(2)(c) on technical cooperation schemes and Article 300 on emergency assistance, the ACP States may request or may agree to the participation of agents of decentralised cooperation in the implementation of other Fund projects and programmes, in particular, those performed by direct labour in conformity with Article 299 and other relevant provisions of this Convention.'

53. In Article 254, the following paragraph 3 shall be added:

'3. Where the funds provided for an operation under this Article are inadequate to deal with the emergency situation, part of the resources of the national indicative programme, uncommitted due to the inability of the ACP State concerned to sign or implement its indicative programme, may be deployed to the benefit of its population for emergency assistance, humanitarian assistance or post-emergency rehabilitation assistance at the request of the ACP State concerned, or of the ACP States on behalf of the ACP State concerned, or by the Community after prior consultation with the ACP States.'

54. In Article 274, the following paragraph 3 shall be added:

'3. For the purposes of Chapter 5, Section 5 of this Title, "firms of the Member State", include firms of the OCT.'

55. Article 281 shall be replaced by the following:

'Article 281

1. At the beginning of the period of application of the Second Financial Protocol:

- (a) each ACP State shall obtain from the Community a clear indication of the total indicative programmable financial allocation from which it may benefit during that period as well as any other relevant information;
- (b) each ACP State eligible for the specific resources earmarked for structural adjustment support in accordance with Article 246 shall be notified of the estimated initial instalment that it may receive;

- (c) each ACP State shall obtain from the Bank a global indication of its own resources and of risk capital resources from which it may benefit during that period.

2. On receipt of the information referred to in paragraph 1, each ACP State shall draw up and submit to the Community a draft indicative programme on the basis of and consistent with its development objectives and priorities. The draft indicative programme shall contain:

- (a) the priority development objectives of the ACP State concerned at national and regional level;
- (b) the focal sector or sectors on which support should be concentrated, with emphasis on poverty alleviation and sustainable development, and the resources to be deployed for that purpose;
- (c) proposals for private sector and/or industrial sector development for which the ACP State envisages that risk capital and other available resources could be used;
- (d) the most appropriate measures and operations for attaining the objectives in the focal sector or sectors or, where such operations are not sufficiently welldefined, the broad outlines of the programmes to support the policies which the ACP State has adopted in the selected focal sectors;
- (e) as appropriate, proposals for management of the indicative programme, and the support required in accordance with Article 224(i);
- (f) the resources reserved for projects and programmes outside the focal sector or sectors, the broad outlines of the elements for multiannual programmes referred to in Article 290, as well as an indication of the resources to be deployed for each of these elements;
- (g) wherever possible, specific and clearly identified national projects and programmes, and especially those which constitute a follow-up to existing projects and programmes;
- (h) where appropriate, a limited part of the programmable resources not allocated to the focal sector which the ACP State proposes to use for structural adjustment support;
- (i) any proposals for regional projects and programmes;
- (j) a timetable for the implementation of the indicative programme, including commitments and disbursements;

(k) the reserve set aside for insurance against possible claims, and to cover cost increases and contingencies.'

56. Article 282 shall be replaced by the following:

'Article 282

1. The draft indicative programme shall be the subject of an exchange of views between the ACP State concerned and the Community, due regard being given to the domestic needs of the ACP States and their sovereign rights to determine their development strategies, priorities and models as well as their overall macroeconomic and sectoral policies.

2. The indicative programme shall be adopted by agreement between the Community and the ACP State concerned on the basis of the draft indicative programme proposed by that State, taking account of the principles set out in Articles 3 and 4, and shall, when adopted, be binding on both the Community and that State. It shall specify, *inter alia*, all the elements referred to in Article 281(2) and an amount representing 70 % of the indicative allocation, save for those ACP States for which the size of the indicative amount or the concentration of the indicative programme on a single project do not justify separate allocations.

3. The indicative programme shall be sufficiently flexible to ensure that operations are kept constantly in line with the objectives and to take account of any changes occurring in the economic situation, priorities and objectives of the ACP State concerned. It may be revised at the request of the ACP State concerned. It shall be reviewed when the ACP State concerned has achieved a high level of commitments in the implementation of the programme and, in any case, not later than three years after the entry into force of the Second Financial Protocol.

4. At the end of the review referred to in paragraph 3, the resources required for completing the implementation of the indicative programme may be allocated giving due consideration to:

(a) the indicative allocation;

(b) progress made in the implementation of the elements of the programme referred to in Article 281(2) and the agreed timetable of commitment and disbursements, in the light of the annual reports of the Head of Delegation and of the national authorising officer referred to in Article 284(3);

(c) the state of preparation of the activities the ACP State intends to undertake within the framework of the second phase of the indicative programme, and

(d) the specific situation of the ACP State concerned.

5. Following the review referred to in paragraphs 3 and 4 and, in any case, not later than the end of the period of the Second Financial Protocol, any unallocated resources remaining from the programmable resources shall be used for financing operations falling within the scope of development finance cooperation, notably those relating to programmable assistance, save as otherwise decided by the Council of Ministers.'

57. Article 283 shall be replaced by the following:

'Article 283

The Community and the ACP State concerned shall take all necessary measures to ensure that the indicative programme is adopted in the shortest possible time and save in exceptional circumstances within 12 months of the signing of the Second Financial Protocol.'

58. Article 284 shall be replaced by the following:

'Article 284

1. Save for funds reserved for emergency assistance, interest rate subsidies and regional cooperation, programmable assistance shall comprise grants.

2. In order to take account of the economic and financial difficulties of the least developed countries listed in Article 330, 50 % of risk capital shall be assigned globally to these countries. In addition, at least 50 % of risk capital resources shall be used for assisting ACP States which actively endorse and implement measures to support investment in the private sector.

3. The national authorising officer and the Head of Delegation shall draw up and submit to the Development Finance Cooperation Committee, within 90 days of the end of each calendar year, a report on the implementation of the indicative programme. They shall also take the necessary steps to ensure that the timetable of commitments

and disbursements agreed at the time of programming is adhered to, determine the causes of delays in implementation and propose suitable remedial measures. The Committee shall examine the reports in accordance with its responsibilities and powers under this Convention.'

59. In Article 287, paragraph 2, the following subparagraph (i) shall be added:

'(i) the compatibility with the ACP States' trade policies and trade development programmes and the impact on their competitiveness in the domestic, regional, international and Community markets.'

60. Article 290 shall be replaced by the following:

'Article 290

1. With a view to expediting procedures and in derogation from Articles 288 and 289, financing decisions may be taken on multiannual programmes where financing concerns:

- (a) training;
- (b) decentralised operations;
- (c) micro-projects;
- (d) trade promotion and trade development;
- (e) sets of operations of a limited scale in a specific sector;
- (f) project/programme management support;
- (g) technical cooperation.

2. In cases referred to in paragraph 1, the ACP State concerned may submit to the Head of Delegation a multiannual programme setting out its broad outlines, the types of actions envisaged and the financial commitment proposed:

- (a) the financing decision on each multiannual programme shall be taken by the chief authorising officer. The letter from the chief authorising officer to the national authorising officer notifying such decision shall constitute the financing agreement within the meaning of Article 291.
- (b) Within the framework of multiannual programmes thus adopted, the national authorising officer or, when the case arises, the agent of decentralised cooperation which has been delegated functions for this purpose or, in appropriate cases, other eligible beneficiaries shall implement each individual action in accordance with the relevant provisions of this

Convention and the terms of the financing agreement referred to above. Where implementation is to be carried out by agents of decentralised cooperation or other eligible beneficiaries, the national authorising officer and the Head of Delegation shall maintain financial responsibility and monitor the operations regularly with a view to enabling them, *inter alia*, to carry out their obligations under paragraph 3.

3. At the end of each year, the national authorising officer in consultation with the Head of Delegation, shall forward a report to the Commission on the implementation of the multiannual programmes.'

61. In Article 294, paragraph 1(a), subparagraphs (i), (ii) and (iii) shall be replaced by the following:

- '(i) natural persons, companies or firms or public or semi-public agencies of the ACP States and the Member States;
- (ii) cooperative societies and other legal persons governed by public or private law, save for those which are non-profit-making, of the Member States and/or the ACP States;
- (iii) joint ventures or groupings of ACP States and/or Member State companies or firms.'

62. In Article 296, subparagraph 1(b) shall be replaced by the following:

- '(b) the competitiveness of contractors, suppliers and consultants from the Member States and the ACP States;'

63. In Article 316, paragraph 1 shall be replaced by the following:

'1. The Commission shall be represented in each ACP State, or in each regional grouping which expressly so requests, by a delegation under the authority of a Heads of Delegation, with the approval of the ACP State or States concerned.'

64. In Article 317

- the following paragraph shall be inserted as a new first paragraph:

'The Head of Delegation shall represent the Commission in all spheres of its competence and in all its activities.'

- the introductory part of the second paragraph shall be replaced by the following:

‘with particular reference to cooperation, the Head of Delegation shall have the necessary instructions and delegated powers to facilitate and expedite the preparation, appraisal and execution of projects and programmes and shall be provided with the necessary back-up support to do so. To this end, and in close cooperation with the national authorising officer, the Head of delegation shall:’.

64. (a) In Article 331, point 10, add after the first indent the following indent:

‘— Article 194(5)’.

64. (b) In Article 331, point 12, add the following indent:

‘— Article 284(2)’.

64. (c) In Article 334, point 9, add before the first indent the following indent:

‘— Article 194(5)’.

64. (d) In Article 337, point 9, add before the first indent the following indent:

‘— Article 194(5)’.

F. PART FIVE — FINAL PROVISIONS

65. Article 364 shall be replaced by the following:

‘Article 364

If before the entry into force of the provisions amending this Convention in accordance with Article 366(2), the negotiations with South Africa lead to an agreement on its accession to this Convention, then, notwithstanding the conditions for accession referred to in Article 363, the Council of Ministers shall act on the outcome of such negotiations and take a decision on the terms and conditions of the accession of that State, having regard to the specific characteristics of South Africa.

These terms and conditions shall be set out in a special protocol which shall be an integral part of this Convention.

In case of a positive decision, South Africa shall be added to the States signatory to this Convention without further ratification needed by the signatories of this Convention. The decision by the Council of Ministers shall indicate the date of entry into force of such accession.’

66. The following Article 364a shall be inserted:

‘Article 364a

1. Should Somalia ask to accede to this Convention, the Council of Ministers shall act on the request and take a decision on that State’s accession.

2. If the Council of Ministers reaches a favourable decision before the entry into force of the provisions amending this Convention. Somalia shall be added to the signatories on the same footing as the other signatories.

3. If the Council of Ministers reaches a favourable decision after the entry into force of the provisions amending this Convention, the entry into force of this Convention, as amended, in respect of Somalia shall be effective on the first day following that on which Somalia lodges its instruments of ratification. The Council of Ministers may, however, provide in this decision that certain rights and obligations laid down in this Convention shall, in the interest of that country, be applicable to Somalia on a different date.’

67. The following Article 366a shall be inserted:

‘Article 366a

1. Within the meaning of this Article, the term “Party” refers to the Community and the Member States of the European Union on the one side, and each ACP State, on the other.

2. If one Party considers that another Party has failed to fulfil an obligation in respect of one of the essential elements referred to in Article 5, it shall invite the Party concerned, unless there is special urgency, to hold consultations with a view to assessing the situation in detail and, if necessary, remedying it.

For the purposes of such consultations, and with a view to finding a solution:

- the Community side shall be represented by its Presidency, assisted by the previous and next Member States to hold the Presidency, together with the Commission,
- the ACP side shall be represented by the ACP State holding the co-presidency, assisted by the previous and next ACP States to hold the co-presidency. Two additional members of the

ACP Council of Ministers chosen by the party concerned shall also take part in the consultations.

The consultations shall begin no later than 15 days after the invitation and as a rule last no longer than 30 days.

3. At the end of the period referred to in the third subparagraph of paragraph 2 if in spite of all efforts no solution has been found, or immediately in the case of urgency or refusal of consultations, the Party which invoked the failure to fulfil an obligation may take appropriate steps, including, where necessary, the partial or full suspension of application of this Convention to the Party concerned. It is understood that suspension would be a measure of last resort.

The party concerned shall receive prior notification of any such measure which shall be revoked as soon as the reasons for taking it have disappeared.'

G. SECOND FINANCIAL PROTOCOL

68. The following Second Financial Protocol shall be applicable during the second five year period covered by this Convention.

'SECOND FINANCIAL PROTOCOL

Article 1

1. For the purposes set out in Part Three, Title II, Chapters 1 and 3, and Title III of this Convention for a period of five years commencing 1 March 1995 the overall amount of the Community's financial assistance to be made available shall be ECU 14 625 million.

This overall amount shall comprise:

- (a) an amount of ECU 12 967 million from the European Development Fund, of which ECU 292 million shall come from unallocated or unusable resources, transferred from the previous Funds. This amount shall be allocated as follows:
 - (i) for the purposes set out in Articles 220, 221 and 224, ECU 9 592 million in the form of grants, including ECU 1 400 million for structural adjustment support, which can be complemented, in accordance with Article 281(2)(e), as part of long-term development assistance;

- (ii) for the purposes set out in Articles 220, 221 and 224, ECU 1 000 million in the form of risk capital;

- (iii) for the purposes set out in Articles 186 to 212, ECU 1 800 million in the form of grants for the stabilisation of export earnings;

- (iv) for the purposes set out in Articles 214 to 219, ECU 575 million in the form of grants under the Sysmin scheme;

- (b) for the purposes set out in Articles 220, 221 and 224, up to ECU 1 658 million from the Bank in the form of loans made from its own resources in accordance with the terms and conditions provided for by its statute. These loans shall be subject to the provisions of Article 235 of this Convention relating to interest rate subsidies.

2. The Bank shall administer the loans made from its own resources, including interest subsidies, as well as risk capital. All other resources of the Convention shall be administered by the Commission.

Article 2

For the financing of the assistance referred to in Articles 254 and 255 of this Convention:

- (a) a special appropriation of ECU 260 million shall be constituted within the funds referred to in Article 1(a)(i), of which ECU 140 million shall be for the assistance referred to in Article 254 and ECU 120 million for the assistance referred to in Article 255;

- (b) should the special appropriations provided for under one of the aforementioned Articles be used up before this Financial Protocol expires, transfers may be made from the appropriations provided for in the other Article;

- (c) on the expiry of this Financial Protocol, appropriations not committed for emergency assistance or aid for refugees, returnees and displaced persons shall be paid back to the assets of the Fund for the purpose of financing other operations coming within the scope of development finance cooperation, save as otherwise decided by the Council of Ministers;

- (d) should the special appropriations be used up before this Financial Protocol expires, and taking account of other resources from which the ACP States may benefit for the same purposes, the ACP States and the Community,

within the relevant joint institutions, shall adopt appropriate measures to deal with the situations referred to in Articles 254 and 255.

Article 3

1. Of the grants made available under Article 1(a)(i), an amount of ECU 1 300 million shall be reserved for the financing of the regional projects and programmes of the ACP States.

2. From the resources earmarked under this Article, the Community shall allocate:

- (i) a maximum of ECU 73 million by means of a separate allocation to the financing of the budget of the Centre for the Development of Industry;
- (ii) an amount not exceeding ECU 4 million for the purposes referred to in Annex LXVIII;
- (iii) an indicative amount of ECU 85 million for the financing of regional programmes pertaining to trade development as laid down in Article 138;
- (iv) an amount of ECU 80 million for the incentive financing of institutional support as laid down in Article 224(m).

3. The Bank may, from the resources it manages, supplement these resources by contributing to the financing of regional projects and programmes.

Article 4

Any balance remaining from the Fund that has not been committed or disbursed by the end of the last year of application of this Financial Protocol shall be utilised until it has been exhausted, in accordance with the same conditions as those laid down in this Convention.'

H. PROTOCOL 1 — CONCERNING THE DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS' AND METHODS OF ADMINISTRATIVE COOPERATION

69. In Protocol 1, Title 1, Article 5, the amount '10 %' shall be replaced by '15 %'.

70. In Protocol 1, Title 1, Article 6, the following paragraph 5 shall be added:

'5. At the request of the ACP States, products originating in a neighbouring developing country, other than an ACP State, belonging to a coherent

geographical entity, shall be considered as originating in the ACP State where they undergo further working or processing, provided that:

- the working or processing carried out in the ACP State exceeds the operations listed in Article 3(3). However, products of Chapters 50 to 63 of the Harmonised System shall in addition undergo in the ACP State at least working or processing as a result of which the product obtained receives a classification under a heading of the Harmonised System different from that covering the products originating in the non-ACP developing country. For products listed in Annex X to this Protocol, only the specific processing referred to in column 3 shall apply, whether or not it involves a change of heading,
- the ACP States, the Community and the other countries concerned have concluded an agreement on adequate administrative procedures which will ensure correct implementation of this paragraph.

This paragraph shall not apply to tuna products classified within Harmonised System Chapters 3 or 16, rice products of HS code 1006 or the textile products listed in Annex XI to this Protocol.

For the purpose of determining whether the products originate in the non-ACP developing country, the provisions of this Protocol shall apply.

The ACP-EC Council of Ministers shall decide on the ACP requests on the basis of a report drawn up by the ACP-EC Customs Cooperation Committee in accordance with Article 30.'

71. In Protocol 1, Title II, Article 21, paragraph 1, the amount 'ECU 2 820' shall be replaced by 'ECU 3 140' and in paragraph 2, the date '30 April 1991' shall be replaced by '30 April 1997' and the date '1 October 1988' by '1 October 1994'.

72. In Protocol 1, Title II, Article 22, paragraph 2, second subparagraph, the amount 'ECU 200' and 'ECU 565' shall be replaced by 'ECU 230', and 'ECU 630' respectively.

73. In Protocol 1, Title III, Article 31(8) the first paragraph shall be replaced by the following:

'8. On request derogations concerning canned tuna and tuna loins shall be automatically granted, within an annual quota of 4 000 tonnes, for canned tuna, and, within an annual quota of 500 tonnes, for tuna loins.'

74. Protocol 1, Title IV, shall be replaced by the following:

‘TITLE IV

CEUTA AND MELILLA

Article 32

Special conditions

1. The term ‘Community’ used in this Protocol shall not cover Ceuta and Melilla. The term ‘products originating in the Community’ shall not cover products originating in Ceuta and Melilla.

2. The provisions of this Protocol shall apply, *mutatis mutandis*, in determining whether products may be deemed as originating in the ACP States when imported into Ceuta and Melilla.

3. Where products wholly obtained in Ceuta, Melilla, the OCT or the Community undergo

working and processing in the ACP States, they shall be considered as having been wholly obtained in the ACP States.

4. Working or processing carried out in Ceuta, Melilla, the OCT or the Community shall be considered as having been carried out in the ACP States, when materials undergo further working or processing in the ACP States.

5. For the purpose of implementing paragraphs 3 and 4, the insufficient operations listed in Article 3(3)(a), (b), (c), and (d) shall not be considered as working or processing.

6. Ceuta and Melilla shall be considered as a single territory.’

75. In Protocol 1, the following Annexes X and XI shall be added at the end.

‘ANNEX X

LIST OF WORKING OR PROCESSING CONFERRING THE CHARACTER OF ACP ORIGIN ON A PRODUCT OBTAINED WHEN WORKING OR PROCESSING IS CARRIED OUT ON TEXTILE MATERIALS ORIGINATING IN DEVELOPING COUNTRIES REFERRED TO IN ARTICLE 6(5) OF THIS PROTOCOL

Textiles and textile articles falling within Section XI

CN code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
ex 5101	Wool, not carded or combed: — degreased, not carbonised — carbonised	Manufacture from greasy, including piece-wasted wool, the value of which does not exceed 50 % of the ex-works price of the product Manufacture from degreased wool, not carbonised, the value of which does not exceed 50 % of the ex-works price of the product
ex 5103	Waste of wool or of fine or coarse animal hair, carbonised	Manufacture from non-carbonised waste, the value of which does not exceed 50 % of the ex-works price of the product
ex 5201	Cotton, not carded or combed, bleached	Manufacture from raw cotton, the value of which does not exceed 50 % of the ex-works price of the product
5501 to 5507	Man-made staple fibres: — not carded or combed or otherwise processed for spinning — carded or combed or other	Manufacture from chemical materials or textile pulp Manufacture from chemical materials or textile pulp or waste falling within CN code 5505

(1)	(2)	(3)
ex Chapters 50 to 55	Yarn, monofilament and thread, other than paper yarn: — printed or dyed — other Woven fabrics, other than fabrics of paper yarn: — printed or dyed — other	Manufacture from: — natural fibres not carded or combed or otherwise prepared for spinning, — grege silk or silk waste, — chemical materials or textile pulp, or — man-made staple fibres, filament tow or waste of fibres, not carded or combed or otherwise prepared for spinning or Printing or dyeing of yarn or monofilaments, unbleached or prebleached ⁽¹⁾, accompanied by preparatory or finishing operations, twisting or texturising not being considered as such, the value of non-originating material (including yarn), not exceeding 48 % of the ex-works price of the product Manufacture from: — natural fibres not carded or combed or otherwise prepared for spinning, — grege silk or silk waste, — chemical materials or textile pulp, or — man-made staple fibres, filament tow or waste of fibres, not carded or combed or otherwise prepared for spinning Manufactured from yarn or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾ Manufacture from yarn
5601	Wadding of textile materials and articles thereof; textile fibres not exceeding 5 mm in length (flock), textile dust and mill neps	Manufacture from fibres
5602	Felt, whether or not impregnated, coated, covered or laminated: — printed or dyed — impregnated, coated, covered or laminated — other	Manufacture from fibres or Printing or dyeing of unbleached or prebleached felt, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾ Impregnation, coating, covering or laminating of non-wovens, unbleached ⁽³⁾ Manufacture from fibres

(1)	(2)	(3)
5603	Non-wovens, whether or not impregnated, coated, covered or laminated: — printed or dyed — impregnated, coated, covered or laminated — other	Manufacture from fibres or Printing or dyeing of unbleached or prebleached non-wovens, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾ Impregnation, coating, covering or laminating of non-wovens; unbleached ⁽³⁾ Manufacture from fibres
5604	Rubber thread and cord, textile covered, textile yarn and strip, and the like falling within CN codes 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics: — rubber thread and cord, textile covered — other	Manufacture from rubber thread or cord, not textile covered Impregnation, coating, covering or sheathing of textile yarn and strip and the like, unbleached
5607	Twine cordage, rope and cables, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics	Manufacture from fibres, coir yarn, synthetic or artificial filament yarn or monofilament
5609	Articles of yarn, strip or the like falling within CN codes 5404 or 5405, twine, cordage, rope or cables, not elsewhere specified or included	Manufacture from fibres, coir yarn, synthetic or artificial filament yarn or monofilament
5704	Carpets and other textile floor coverings, of felt, not tufted or flocked, whether or not made up	Manufacture from fibres
Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries, trimmings, embroidery: — embroidery in the piece, in strips or in motifs (CN code 5810) — printed or dyed — impregnated, coated or covered — other	Manufacture in which the value of the materials used does not exceed 50 % of the ex-works price of the product Manufacture from yarn or Printing or dyeing of unbleached or prebleached fabrics, felt or non-wovens, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾ Manufacture from unbleached fabrics, felt or non-wovens Manufacture from yarn
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas, buckram and similar stiffened textile fabrics of a kind for hat foundations	Manufacture from unbleached fabrics

(1)	(2)	(3)
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon	Manufacture from yarn
5903	Textile fabrics, impregnated, coated, covered or laminated with plastics, other than those falling within CN code 5902	Manufacture from unbleached fabrics or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Manufacture from unbleached fabrics, felt or non-wovens
5905	Textile wall coverings	Manufacture from unbleached fabrics or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾
5906	Rubberised textile fabrics, other than those falling within CN code 5902	Manufacture from bleached knitted or crocheted fabrics, or from other unbleached fabrics
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio backcloths or the like	Manufacture from unbleached fabrics or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾
5908	Textile wicks, woven, plaited or knitted, for lamps, stoves, lighters, candles and the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not impregnated	Manufacture from yarn
5909	Textile hosepiping and similar textile tubing with or without lining, armour or accessories of other materials	Manufacture from yarn or fibres
5910	Transmission or conveyor belts or belting, of textile material, whether or not reinforced with metal or other material	Manufacture from yarn or fibres
5911	Textile products and articles, for technical uses, specified in note 7 to Chapter 59 of the Combined Nomenclature:	
	— polishing discs or rings other than of felt	Manufacture from yarn, waste fabrics or rags falling within CN code 6310
	— other	Manufacture from yarn or fibres

(1)	(2)	(3)
Chapter 60	Knitted or crocheted fabrics: — printed or dyed — other	Manufacture from yarn or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾ Manufacture from yarn
Chapter 61 (*)	Articles of apparel and clothing accessories, knitted or crocheted: — obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form — other	Complete making up ⁽⁴⁾ Manufacture from yarn
ex Chapter 62 (*)	Articles of apparel and clothing accessories, not knitted or crocheted, except those falling within CN codes 6213 and 6214 for which the rules are set out below: — finished or complete — unfinished or incomplete	Complete making up ⁽⁴⁾ Manufacture from yarn
6213 and 6214	Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like: — embroidered — other	Manufacture from yarn or Manufacture from unembroidered fabric, provided the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product Manufacture from yarn
6301 to ex 6306	Blankets and travelling rugs; bedlinen, table linen, toilet linen and kitchen linen; curtains (including drapes) and interior blinds; curtain and bed valances; other furnishing articles (excluding those falling within CN code 9494); sacks and bags of a kind used for the packing of goods; tarpaulins, awnings, and camping goods: — of felt or non-wovens: — not impregnated, coated, covered or laminated — impregnated, coated, covered or laminated	Manufacture from fibres Impregnation, coating, covering or laminating of felt or non-wovens, unbleached ⁽³⁾

(*) See also the products excluded from the derogation procedure listed in Annex XI.

(1)	(2)	(3)
6301 to ex 6306 (<i>cont'd</i>)	— other: — knitted or crocheted — unembroidered — embroidered — not knitted or crocheted: — unembroidered — embroidered	Complete making up ⁽⁴⁾ Complete making up ⁽⁴⁾ or Manufacture from unembroidered knitted or crocheted fabric provided the value of the unembroidered knitted or crocheted fabric used does not exceed 40 % of the ex-works price of the product Manufacture from yarn Manufacture from yarn or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product
6307	Other made up textile articles (including dress patterns), except for fans and hand screens, non-mechanical, frames and handles therefor and parts of such frames and handles:	
	— floorcloths, dishcloths, dusters and the like — other	Manufacture from yarn Manufacture in which the value of the materials used does not exceed 40 % of the ex-works price of the product
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered tablecloths or serviettes or similar textile articles, put up in packings for retail sale	Incorporation in a set in which the total value of all the non-originating articles incorporated does not exceed 25 % of the ex-works price of the set

⁽¹⁾ The term “prebleached”, used in the list in Annex X to characterise the level of manufacture required when certain non-originating materials are used, applies to certain yarns, woven fabrics and knitted or crocheted fabrics which have only been washed after the spinning or weaving operation. Prebleached products are at an earlier stage of manufacture than bleached products, which have undergone several baths in bleaching agents (oxidising agents such as hydrogen peroxyde and reducing agents).

⁽²⁾ However, to be regarded as a working or processing conferring origin, thermoprinting has to be accompanied by printing of the transfer paper.

⁽³⁾ The term “Impregnation, coating, covering or laminating” does not cover those operations designed to bind fabrics together.

⁽⁴⁾ The term “complete making-up” used in the list in Annex X means that all the operations following cutting of the fabric or knitting or crocheting of the fabric directly to shape have to be performed.

However, making-up shall not necessarily be considered as incomplete where one or more finishing operations have not been carried out.

The following is a list of examples of finishing operations:

- fitting of buttons and/or other types of fastenings,
- making of buttonholes,
- finishing off the ends of trouser legs and sleeves or the bottom hemming of skirts and dresses,
- fitting of trimmings and accessories such as pockets, labels, badges, etc.,
- ironing and other preparations of garments for sale “readymade”.

Remarks concerning finishing operations — Special cases

It is possible that in particular manufacturing operations, the accomplishment of finishing operations, especially in the case of a combination of operations, is of such importance that these operations must be considered as going beyond simple finishing.

In these particular cases, the non-accomplishing of finishing operations will deprive the making-up of its complete nature.

ANNEX XI

TEXTILE PRODUCTS EXCLUDED FROM THE CUMULATION PROCEDURE WITH CERTAIN DEVELOPING COUNTRIES REFERRED TO IN ARTICLE 6(5) OF THIS PROTOCOL

6101 10 90 6101 20 90 6101 30 90	Jerseys, pullovers, slipovers, waistcoats, twinsets, cardigans, bedjackets and jumpers (other than jackets and blazers), anoraks, windcheaters, waister jackets and the like, knitted or crocheted
6102 10 90 6102 20 90 6102 30 90	
6110 10 10 6110 10 31 6110 10 35 6110 10 38 6110 10 91 6110 10 95 6110 10 98 6110 20 91 6110 20 99 6110 30 91 6110 30 99	
6203 41 10 6203 41 90 6203 42 31 6203 42 33 6203 42 35 6203 42 90 6203 43 19 6203 43 90 6203 49 19 6203 49 50	Men's or boys' woven breeches, shorts other than swimwear and trousers (including slacks); women's or girls' woven trousers and slacks, of wool, of cotton or of man-made fibres, lower parts of tracksuits with lining, other than category 16 or 29, of cotton or of man-made fibres'
6204 61 10 6204 62 31 6204 62 33 6204 62 39 6204 63 18 6204 69 18	
6211 32 42 6211 33 42 6211 42 42 6211 43 42	

I. PROTOCOL 7 ON BEEF AND VEAL

Articles 2

76. In Protocol 7, Articles 1, 2 and 4 shall be replaced by the following:

'Articles 1

Within the limits referred to in Article 2, import duties other than customs duties applicable to beef and veal originating in the ACP States shall be reduced by 92 %.

Without prejudice to Article 4, the reduction in import duties provided for in Article 1 shall apply to the following quantities of boneless meat per calendar year and per country:

Botswana:	18 916 tonnes
Kenya:	142 tonnes
Madagascar:	7 579 tonnes
Swaziland:	3 363 tonnes
Zimbabwe:	9 100 tonnes
Namibia:	13 000 tonnes

Articles 4

If, in the course of a given year, one of the ACP States referred to in Article 2 is not in a position to supply the total quantity fixed and does not wish to benefit from the measures referred to in Article 3, the Commission may share out the amount to be made up among the other ACP States concerned. In such case, the ACP States concerned shall put forward a proposal to the Commission, not later than 1 September of that year, naming the ACP State or States which will be in a position to supply the new additional quantity, at the same time indicating to it the ACP State which is not in a position to supply the full amount allocated to it, on the understanding that this new temporary allocation will not affect the initial quantities.

The Commission shall ensure that a decision is taken by 1 December at the latest.'

J. **PROTOCOL 10 ON SUSTAINABLE MANAGEMENT OF FOREST RESOURCES**

77. The following Protocol 10 shall be added:

'PROTOCOL 10

on sustainable management of forest resources

1. The Community and the ACP States acknowledge the importance and the need for the rational management of forest resources with a view to ensuring a long-term sustainable development of forests in ACP States in conformity with the Rio Declaration of Principle on the Environment and Development including the non-legally binding Forest Principles, the UN framework Agreement on climatic changes and the Conventions on Biodiversity and Desertification.

2. Special priority shall be given to actions which support and encourage the efforts of ACP States and their organisations to preserve, re-establish and use sustainably their forestry resources, including the fight against desertification.

3. The Community and the ACP States shall concentrate their efforts on actions promoting:

- (a) conservation of endangered tropical forests and their biodiversity and regeneration of the functions of tropical forests which have been damaged, bearing in mind the needs and interests of local populations in the sustainable

use of forest products, the different actors and factors causing deforestation, the need to ensure participation by local populations in the identification, planning and implementation of actions, the differences between countries and regions and measures to address them,

- (b) development of buffer zones to assist the conservation, regeneration and sustainable development of tropical forests, as a part of a broader land utilisation plan,

- (c) sustainable management of forests destined for the production of timber and other products derived therefrom, to ensure that by the year 2000 and based on appropriate management plans, these products are derived from sustainable sources. Special priority will be given to community-based and small-scale forest operations,

- (d) supporting and developing locally adapted reafforestation and forest management activities as well as restoring the fertility of degraded forest lands, especially in the framework of national and regional campaigns against desertification,

- (e) support for institution building in the forestry sector with emphasis on capacity building to address the need for training schemes for local populations, forest managers and researchers, for legislation, for increased political and social support and strengthening of institutions and for organisations and associations active in forestry operations,

- (f) development and implementation of action plans at local, national and regional level to improve the management, conservation and sustainable development of forests, taking into account the causes of deforestation from inside and outside the forest sector,

- (g) introduction of a strategic and adaptive research policy aimed at imparting knowledge and the planning capacity required for the conservation and sustainable management of forests and also for the implementation of research monitoring activities in the framework of projects and programmes.

4. Acknowledging the importance of timber and timber products for the economies of the ACP States, the Community and the ACP States shall concentrate within the confines set out above on the following:

(a) improving the timber trade and marketing from forests under sustainable development;

(b) supporting the definition and development of certification systems for timber produced from tropical forests bearing in mind sustainable forest management principles as part of envisaged internationally harmonised certification systems for all kinds of timber and timber products;

(c) supporting measures to increase the share of tropical timber and timber products from sustainable sources within the overall production of this sector in the ACP States with a view to stimulating economic development and industrialisation in these States and increasing employment prospects and export earnings;

(d) promoting and diversifying international trade in tropical timber from resources rendered sustainable through the improvement of the structural characteristics of international markets taking account of prices which reflect the cost of sustainable management of forests and are at the same time remunerative and fair to both parties;

(e) supporting the development of ACP national policies aimed at the sustainable utilisation and preservation of tropical timber producing forests and their genetic resources as well as the maintenance of an ecological balance in the regions concerned within the context of the tropical timber trade;

(f) promoting access to and transfer of technology as well as technical cooperation for attaining the objectives of sustainable development.

5. Acknowledging further the importance of tropical timber for the economies of the ACP States with timber-producing forests and the imperative need to put an end to desertification in many ACP States and bearing in mind the incremental cost of achieving benefits associated with forest preservation and development, the Community will support the above activities. To this end the Community will in addition to the resources set aside for national indicative programmes, regional indicative programmes or all ACP activities and in accordance with the relevant provisions, use resources available under the Community budget for this purpose.'

K. FINAL ACT

78. In the Final Act, the following Annex IIIa shall be inserted:

'ANNEX IIIa

Community Declaration on Article 4

In supporting the development strategies of the ACP States the Community shall, in its dialogue with the ACP States, take account of its development objectives and priorities, and in particular:

- the sustainable economic and social development of developing countries, especially the poorest among them. In this context the enhancement of human resources and the environment shall receive particular attention,
- their smooth and gradual integration into the world economy, with particular emphasis on the revitalisation of their economies through the promotion of the private sector,
- poverty alleviation,
- the development and consolidation of democracy and the rule of law and adherence to human rights and fundamental freedoms.'

79. In the Final Act, Annex XIV shall be replaced by the following:

'ANNEX XIV

Joint Declaration on Article 91: Centre for the Development of Industry (CDI)

1. The Contracting Parties agree that with regard to the appointment of the Director and the Deputy Director of the CDI, the principle of rotation between ACP and EC nationals shall be institutionalised.

2. The rotation shall be effected after a period of five years, which will be the maximum duration of the term of office of the Director and Deputy Director appointed by the Committee on Industrial Cooperation.

3. In appointing the Director and Deputy Director, the Contracting Parties shall consult on the proposals to be made by either Party, taking cognisance of the joint nature of the CDI.

4. An Advisory Council of the CDI will be set up. Its composition and rules of operation shall be determined in the Statute of the CDI.'

81. In the Final Act, Annex XL shall be replaced by the following:

'ANNEX XL

80. In the Final Act, Annex XXII shall be replaced by the following:

Joint Declaration concerning agricultural products referred to in Article 168(2)(a)(ii)

'ANNEX XXII

Joint Declaration on Article 141 concerning cultural and social cooperation

1. Cooperation projects and programmes put forward by the Foundation for ACP-EC Cultural Cooperation and other specialised institutions referred to in Article 141 of this Convention may be eligible, under the conditions set out in Article 140(2) of this Convention, for financial aid from the Community for their implementation.

2. Any aid accorded by the Community shall be wholly devoted to the financing of cultural and social cooperation projects and programmes.'

The Contracting Parties have taken note that the Community intends to take the measures mentioned in the Annex, and which are laid down at the date of signing of this Convention, with a view to granting ACP States the preferential treatment provided for in Article 168(2)(a)(ii) for certain agricultural and processed products.

They have taken note that the Community declares that it will take all the measures required to ensure that the corresponding agricultural regulations are adopted in good time and that, wherever possible, they come into force at the same time as the interim arrangements which will be introduced after the signing of the instrument amending the Fourth ACP-EC Convention.

Import treatment applicable to agricultural products and foodstuffs originating in the ACP States

Common organisation of the market	Special treatment for the ACP States
1. BEEF AND VEAL CN code: 0102 10 00 0102 90 10 0102 90 31 0102 90 33 0102 90 35 0102 90 37 0201 0202 0206 10 91 0206 10 95 0206 10 99 0206 21 00 0206 22 90 0206 29 91 0206 29 99 0210 20 0210 90 41 0210 90 49 0210 90 90 1502 00 91 1602 50 10 1602 50 90 1602 90 61 1602 90 69	Exemption from customs duties for all products covered by the common organisation of the market Where, in the course of a year, imports of beef and veal falling within CN codes 0201, 0202, 0206 10 95, 0206 29 91, 1602 50 10 and 1602 90 61 originating in an ACP State exceed a quantity equivalent to that of imports into the Community from 1969 to 1974 inclusive in which the greatest quantity of Community imports, for the origin in question was recorded, plus an annual growth rate of 7 %, exemption from customs duties on the products of that origin shall be partially or totally suspended. In such cases, the Commission shall report to the Council of Ministers of the European Union, which acting by a qualified majority on a proposal from the Commission shall decide on the treatment to be applied to the imports concerned.

Common organisation of the market	Special treatment for the ACP States
2. SHEEPMET AND GOATMEAT	
CN code: 0104 0204 0206 80 99 0206 90 99 0210 90 11 0210 90 19 0210 90 60 1502 00 99 1602 90 71 1602 90 79	Exemption from customs duties for all products covered by the common organisation of the market Non-application of third-country levy for CN codes: (a) 0104 10 90 0104 20 90 (other than pure-bred breeding animals) (b) 0204 0210 90 11 0210 90 19 (other than meat of domestic sheep) For this meat, reduction of 65 % of the levy for an annual quota of 500 tonnes
3. POULTRYMEAT	
CN code: 0105 11 11 0105 11 19 0105 11 91 0105 11 99 0105 91 00 0105 19 10 0105 99 20 0105 99 30 0105 19 90 0105 99 10 0105 99 50 0209 00 90 0210 90 71 0210 90 79 1501 00 90 0207 1602 31 1602 39	16 % reduction in customs duties for the following products: — fowls of the species <i>Gallus domesticus</i> — Geese and turkeys — Ducks and guinea fowls — Poultry fat, fresh, chilled or frozen — Offal of poultry livers — Poultry fat, rendered Reduction of the third-country levy by 65 % for: — Poultrymeat within the limits of an annual quota of 400 tonnes — Other prepared or preserved meat and poultry offal within the limits of an annual quota of 500 tonnes
4. DAIRY PRODUCTS	
CN code: 0401 10 0401 20 0401 30 0403 10 02 to 0403 10 36 0403 90 11 to 0403 90 69	16 % reduction in customs duties for the following products: — Milk and cream, not concentrated nor containing added sugar or other sweetening matter — Yogurt, not flavoured nor containing added fruit, nuts or cocoa — Other fermented or acidified milk and cream, not flavoured nor containing added fruit, nuts or cocoa

Common organisation of the market	Special treatment for the ACP States
0404 10	— Whey and modified whey
0404 90	— Products consisting of natural milk constituents
0405 00	— Butter and other fats and oils derived from milk
2106 90 51	— Lactose syrup, flavoured
2309 10 15	— Dog or cat food containing more than 50 % of milk products
2309 10 19	
2309 10 39	
2309 10 59	
2309 10 70	
2309 90 35	Other preparations of a kind used for animal feeding containing more than 50 % of milk products
2309 90 39	
2309 90 49	
2309 90 59	
2309 90 70	
	Reduction of third-country levy by 65 % for:
0402	— Milk and cream, concentrated or containing added sugar within the limits of a quota of 1 000 tonnes
0406	— Cheese and curd within the limits of an annual quota of 1 000 tonnes

5. EGGS

CN code:

0407 00 11
0407 00 19
0407 00 30

0408 11 80
0408 19 81
0408 19 89

0408 91 80
0408 99 80

16 % reduction in customs duties for products covered by the common organisation of the markets:

— Poultry eggs

— Yolks of birds' eggs

— Birds' eggs

6. PIGMEAT

CN code:

0103 91 10
0103 92 11
0103 92 19

1501 00 11
1501 00 19

1602 10 00
1602 20 90
1602 41 10
1602 41 90
1602 42 10
1602 49
1602 90 10
1602 90 51

1902 20 30

16 % reduction in customs duties on the following products:

— Live swine other than pure-bred breeding animals

— Lard and other pig fat

— Prepared or preserved meat of swine

— Pasta stuffed with sausages and the like

Common organisation of the market	Special treatment for the ACP States
	50 % reduction in customs duty within a quota of 500 tonnes:
0203 11 10 0203 12 11 0203 12 19 0203 19 11 to 0203 19 59	— Meat of swine, fresh or chilled
0203 21 10 0203 22 11 0203 22 19 0203 29 11 to 0203 29 59	— Meat of swine, frozen
0206 30 21 0206 30 31	— Offal of domestic swine, fresh or chilled
0206 41 91 0206 49 91	— Offal of domestic swine, frozen
0209 00 11 0209 00 19 0209 00 30	— Pig fat
	Pig fat, other than that falling within subheading 0209 00 11 or 0209 00 19
0210 11 11 to 0210 11 39	— Hams, shoulders and cuts thereof, with bone in, salted, dried or smoked
0210 12 11	— Bellies of domestic swine, salted, dried or smoked
0210 19 10 to 0210 19 89	— Other cuts of domestic swine, salted, dried or smoked
0210 90 31 0210 90 39	— Edible flours and meals of offal of domestic swine
	Reduction of the third-country levy by 65 % within the limits of an annual quota of 500 tonnes for:
1601 00	— Sausages and similar products of meat, meat offal or blood

7. FISHERY PRODUCTS

CN code:

03
0511 91 90
1604
1605
1902 20 10
2301 20 00

Exemption from customs duties for all products covered by the common organisation of the market

Common organisation of the market	Special treatment for the ACP States
8. SUGAR	
CN code:	
1212 91 10 1212 91 90 1212 92 00 1702 20 10 1702 20 90 1702 30 10 1702 40 10 1702 60 10 1702 60 90 1702 90 30 1702 90 60 1702 90 71 1702 90 90 2106 90 30 2106 90 59	16 % reduction in customs duty: this reduction will not be applicable when the Community, in accordance with its Uruguay Round commitments, applies additional duties
1703	Reduction of the third-country levy by ECU 0,5/100 kg within the limits of an annual quota of 600 000 tonnes for: — Molasses
9. OIL SEEDS AND OLEAGINOUS FRUIT	
CN code:	
1201 00 90 1202 10 90 1202 20 00 1203 00 00 1204 00 90 1205 00 90 1206 00 90 1207 10 90 1207 20 90 1207 30 90 1207 40 90 1207 50 90 1207 60 90 1207 91 90 1207 92 90 1207 99 91 1207 99 99 1208 1504 1507 1508 1509 90 00 1510 00 90 1511 1512 1513 1514 1515 11 00 1515 19 1515 21 1515 29 1515 50 1515 90 21 1515 90 29 1515 90 31 1515 90 39 1515 90 40	Exemption from customs duties for all products covered by the common organisation of the market Exemption from customs duties

Common organisation of the market	Special treatment for the ACP States
1515 90 51	
1515 90 59	
1515 90 60	
1515 90 91	
1515 90 99	
1516 10	
1516 20 91	
1516 20 99	
1517 10 90	
1517 90 91	
1517 90 99	
1518 00 31	
1518 00 39	
1522 00 91	
1522 00 99	
2304 00 00	
2305 00 00	
2306 10 00	
2306 20 00	
2306 30 00	
2306 40 00	
2306 50 00	
2306 60 00	
2306 90 91	
2306 90 93	
2306 90 99	

10. CEREALS

CN code:

0709 90 60	maize	Reduction of the third-country levy by ECU 1,81/tonne
0712 90 19		
1005 10 90		
1005 90 00		
1007 00	sorghum	Reduction of the third-country levy by 60 % within the limit of an annual ceiling of 100 000 tonnes and a 50 % reduction in the duty reintroduced above the ceiling
1008 20 00	millet	Non-application of the third-country levy within the limits of an annual ceiling of 60 000 tonnes and a 50 % reduction in the duty reintroduced above the ceiling
1101 00 00		16 % reduction in the customs duty
1102 10 00		
1103 11 10		
1103 11 90		
1103 21 00		
1001 10 00		50 % reduction in the customs duty within a quota of 15 000 tonnes.
1001 90 91		
1001 90 99		
1002 00 00		
1003 00 10		
1003 00 90		
1004 00 00		
1008 10 00		
1008 30 00		
1008 90 10		
1008 90 90		

Common organisation of the market		Special treatment for the ACP States
11. RICE		
CN code:		In compliance with common rules, reduction of the third-country levy per 100 kg:
1006 10 21 to 1006 10 98	paddy rice	— for paddy rice, by 65 % and ECU 0,36
1006 20	husked rice	— for husked rice by 65 % and ECU 0,36
1006 30	milled rice	— for wholly milled rice, by the component for the protection of the processing industry, by 65 % and ECU 0,54 — for semi-milled rice, by the component for the protection of the processing industry converted on the basis of the conversion rate for wholly milled rice and semi-milled rice by 65 % and ECU 0,54
1006 40 00	broken rice	— for broken rice by 65 % and ECU 0,30
		This exception is valid only if a charge of an equivalent amount is levied at the time of export by the ACP State concerned
		Should 125 000 tonnes (husked rice equivalent) of rice (CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30) and 20 000 tonnes of broken rice (CN code 1006 40 00), be exceeded, the general third-country arrangement shall apply

12. CEREAL SUBSTITUTES AND PROCESSED CEREAL AND RICE PRODUCTS

CN code:	
0714 1102 20 1102 30 00 1102 90 1103 12 00 1103 13 1103 14 00 1103 19 1103 29 1104 1106 20 1107 1108 (excluding 1108 20 00)	Non-application of the fixed component of the third-country levy or the customs duty for all products covered by the common organisation of the market
1109 00 00 1702 30 91 1702 30 99 1702 40 90 1702 90 50 1702 90 75 1702 90 79 2106 90 55 2302 10 2302 20	In addition, reduction of the variable component of the levy per 100 kg: — by ECU 0,181 for CN codes 0714 10 99 and 0714 90 19 (manioc, salep and other similar roots and tubers with high starch content other than arrowroot)
2302 30 2302 40 2302 50 00 2303 10 2303 30 00 2308 10 00 2308 90 30	— by ECU 0,363 for CN codes 0714 10 10 and ex 1106 20 (flours and meal of sago and of manioc, salep and other roots and tubers falling within CN code 0714, other than arrowroot flour and meal) — by 50 % for CN codes ex 1108 14 00 and ex 1108 19 90 (starches, other, other than arrowroot starches)
	Non-application of the variable component of the third-country levy for roots, flour, meal and starch of arrowroot falling within CN codes ex 0714 10, ex 0714 90 11, ex 1106 20 10, ex 1106 20 91 and ex 1106 20 99

Common organisation of the market	Special treatment for the ACP States
2309 10 11 2309 10 13 2309 10 31 2309 10 33 2309 10 51 2309 10 53 2309 90 31 2309 90 33 2309 90 41 2309 90 43 2309 90 51 2309 90 53	Non-application of the variable component for products falling within CN codes 0714 10 91 and 0714 90 11 (including yams) other than arrowroot

13. FRESH OR CHILLED FRUIT AND VEGETABLES

CN code:	Exemption from customs duties for the following products:
0706 90 30	Horseradish
ex 0706 90 90	Salad beetroot
ex 0706 90 90	Radishes (<i>raphanus sativus</i>), known as "mooli",
ex 0707 00 11	Small winter cucumbers
ex 0707 00 19	
0708	Leguminous vegetables
0709 30 00	Aubergines (egg-plants)
0709 40 00	Celery other than celeriac
0709 51 90	Mushrooms, other
0709 60 10	Sweet peppers
0709 90 70	Courgettes
0709 90 90	Other vegetables
0802 31 00 and 0802 32 00	Walnuts, in shell or shelled
0802 50 00	Pistachios
0802 90 10	Pecans
0802 90 90	Other nuts
0804 30 00	Pineapples
0804 40	Avocados
0804 50 00	Guavas, mangoes and mangosteens
0805 40 00	Grapefruit
0805 30 90	Limes (<i>Citrus aurantifolia</i>)
0805 90 00	Other citrus fruit
0807 10	Melons (including watermelons)
0807 20 00	Pawpaws
0809 40 90	Slooes
0810 40 30	Fruit of the species <i>Vaccinium myrtillus</i>
0810 90	Other fresh fruit

Common organisation of the market	Special treatment for the ACP States
0813 50 30	Mixtures exclusively of nuts of headings CN codes Nos 0801 and 0802
	Reduction in customs duties on the following products:
ex 0702 00 10	Tomatoes (other than cherry tomatoes) from 15 November to 30 April: reduction of the duty by 60 % within the limits of a quota of 2 000 tonnes
ex 0702 00 10	Cherry tomatoes from 15 November to 30 April: exemption from customs duties within the limits of a quota of 2 000 tonnes
ex 0703 10 19	Onions from 1 February to 15 May: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0703 20 00	Garlic from 1 February to 31 May: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0704 90 90	Chinese cabbage from 1 November to 31 December: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0705 11 10	Iceberg lettuce from 1 July to 31 October: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0706 10 00	Carrots from 1 January to 31 March: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0709 10 00	Artichokes from 1 October to 31 December: exemption from the customs duty. For the rest of the year, 15 % reduction in the customs duty
ex 0709 20 00	Asparagus: — exemption from the customs duty from 15 August to 15 January — 40 % reduction from 16 January to 31 January — 15 % reduction for the rest of the year
ex 0804 20 10	Figs (fresh) from 1 November to 30 April: exemption from the customs duty within the limits of a quota of 200 tonnes
0805 10	Oranges: — exemption from the customs duty from 15 May to 30 September in the framework of a reference quantity of 25 000 tonnes — above this quantity and throughout the year an 80 % reduction in the customs duty
0805 20	Mandarins (including tangerines and satsumas); clementines, wilkings and other similar citrus hybrids: — exemption from the customs duty from 15 May to 30 September in the framework of a reference quantity of 4 000 tonnes — above this quantity and throughout the year an 80 % reduction of the customs duty
ex 0806 10 21 ex 0806 10 29 ex 0806 10 50	Table grapes: exemption from customs duties from 1 December to 31 January within the limits of a quota of 400 tonnes and from 1 February to 31 March within the limits of a reference quantity of 100 tonnes

Common organisation of the market	Special treatment for the ACP States
0808 10	Apples: reduction in the customs duty by 50 % within the limits of a quota of 1 000 tonnes
ex 0808 20	Pears: reduction in the customs duty by 65 % within the limits of a quota of 2 000 tonnes
ex 0809 10 00	Apricots: exemption from the customs duty from 1 September to 30 April. For the rest of the year, a 15 % reduction in the customs duty
ex 0809 20 90	Cherries: exemption from the customs duty from 1 November to 31 March
ex 0809 30 00	Peaches, including nectarines: exemption from the customs duty from 1 December to 30 March. For the rest of the year, a 15 % reduction in the customs duty.
ex 0809 40 19	Plums: exemption from the customs duty from 15 December to 31 March. For the rest of the year, a 15 % reduction in the customs duty
ex 0810 10 90	Strawberries: exemption from the customs duty from 1 November to end February in the framework of a quota of 1 600 tonnes
	Reduction of the customs duty to the following levels:
0810 40 50	— 3 % for fruit of the species <i>Vaccinium macrocarpon</i> and <i>Vaccinium corymbosum</i>
0810 40 90	— 5 % for other fruits of the <i>Vaccinium</i> species
	16 % reduction in customs duties for the following products:
0703 10 90	Shallots
0703 90 00	Leeks and other alliaceous vegetables
0704 10	Cauliflowers and headed broccoli
0704 20 00	Brussels sprouts
0704 90 10	White cabbages and red cabbages
0704 90 90	Other cabbages
0705 11	Cabbage lettuce, except iceberg
0705 19 00	Other lettuce
0705 21 00	Witloof chicory
0705 29 00	Other chicory
ex 0706 10 00	Turnips
0706 90 11	Celeriac
0706 90 19	Winter cucumbers, other than small
ex 0707 00 11	cucumbers
ex 0707 00 19	
ex 0707 00 90	Gherkins
0709 51 10	Cultivated mushrooms
0709 51 30	Chanterelles
0709 51 50	Flap mushrooms
0709 52 00	Truffles
0709 70 00	Spinach, New Zealand spinach and orache spinach

Common organisation of the market	Special treatment for the ACP States
0709 90 10	Salad vegetables other than lettuce and chicory
0709 90 20	Chard (or white beet) and cardoons
0709 90 40	Capers
0709 90 50	Fennel
0802 11 90	Almonds, other
0802 12 90	
0802 21 00	Hazelnuts
0802 22 00	
0802 40 00	Chestnuts
0808 20 90	Quinces
0810 20 10	Raspberries
0810 20 90	Blackberries and mulberries
0810 30 10	Gooseberries and blackcurrants
0810 30 30	
0810 30 90	

14. PROCESSED FRUIT AND VEGETABLE PRODUCTS

CN codes:

ex 0710
(other than
0710 40 00,
0710 80 10 and
0710 80 59)

ex 0711
(other than
0711 20,
0711 90 10 and
0711 90 30)

ex 0712
(other than
0712 10 00,
0712 90 11,
0712 90 19 and
0712 90 90)
0804 20 90
0806 20
0811
0812
0813 10 00
0813 20 00
0813 30 00
0813 40
0813 50 11
0813 50 19
0813 50 91
0813 50 99
0814 00 00
0904 20 10

ex 1302 20
2001 10 00
2001 20 00
2001 90 10
2001 90 50
2001 90 90

Exemption from customs duties for all products covered by the common organisation of the market

Common organisation of the market	Special treatment for the ACP States
2002 2003 2004 10 10 2004 10 99 2004 90 30 2004 90 50 2004 90 91 2004 90 95 2004 90 99 (other than olives) ex 2005 (other than 2005 70 00, 2005 80 00 and 2005 90 10) 2006 00 2007 2008 (other than 2008 11 10, 2008 91 00, 2008 99 85, 2008 99 91 and 2008 99 99) ex 2009 (other than 2009 60) 2007 10 10 2007 99 10 2007 99 20 2007 99 31 2007 99 32 2007 99 33 2007 99 35 2007 99 39 2007 99 51 2007 99 59 ex 2008 20 ex 2008 30 ex 2008 40 ex 2008 80 ex 2008 92 ex 2008 99 2009 20 11 2009 20 91 ex 2009 40 ex 2009 80 ex 2009 90	In addition, non-application of the fixed component and non-levying of the additional duty on sugar for the following products: Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations: — Homogenised preparations — Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes (other than citrus fruit) Fruit, prepared or preserved, whether or not containing added sugar or spirit: — Pineapples — Grapefruit segments — Pears — Strawberries — Mixtures of pineapple, pawpaw and pomegranate — Grapes — Plums — Passionfruit, guava and tamarinds — Grapefruit juice — Pineapple juice — Passionfruit and guava juice — Mixtures of pineapple, pawpaw and pomegranate juices

Common organisation of the market	Special treatment for the ACP States
15. WINE	
CN code:	Exemption from customs duties for:
2009 60 2204 30 91 2204 30 99	unfermented grape juice (including grape must)
16. UNMANUFACTURED TOBACCO	
CN code:	Exemption from customs duties
2401	If serious disruptions occur as a result of a large increase in duty-free imports of unmanufactured tobacco (CN code 2401) 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 Community may take the necessary safeguard measures pursuant to Article 177(1) of the Convention, including measures to offset deflection of trade
17. CERTAIN GOODS RESULTING FROM THE PROCESSING OF AGRICULTURAL PRODUCTS	
CN code:	Exemption from the fixed component for the entire sector of products processed from agricultural products (Regulation (EEC) No 3033/80)
0403 10 51 to 04 03 10 99 0403 90 71 to 0403 90 99 0710 40 00 0711 90 30 1517 10 10 1517 90 10 1702 50 00 1704 (other than 1704 90 10) 1806 1901 1902 (other than 1902 20 10 and 1902 20 30) 1903 1904 1905 2001 90 30 2001 90 40 2004 90 10 2005 80 00 ex 2005 90 90	Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)
2008 99 85 2008 99 91 2101 30 19 2101 30 99 2102 10 31 2102 10 39	

Common organisation of the market	Special treatment for the ACP States
2105 2106 (other than 2106 10 10 and 2106 10 91) 2202 90 91 2202 90 95 2202 90 99 2905 43 00 2905 44 3501 (other than 3501 90 10) 3305 10 (other than 3505 10 50) 3505 20 3809 10 3823 60	
	In addition, suspension of the variable component for:
1702 50 00	— Chemically pure fructose — Sugar confectionery (including white chocolate) not containing cocoa
1704 90 30	— White chocolate
	Chocolate and other food preparations containing cocoa:
1806 20	— Preparations in block slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg, excluding those falling within CN code 1806 20 70
1806 31 00 1806 32	— Other, in blocks, slabs or bars, filled or unfilled
1806 90 11 1806 90 19 1806 90 31 1806 90 39 1806 90 50	— Other chocolate and chocolate products and sugar confectionery and substitutes therefor made from sugar substitution products containing cocoa
1901	Malt extract, food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of CN codes Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, not elsewhere specified or included (other than CN codes 1901 90 11 and 1901 90 90), not containing milk fats or containing milk fats in a proportion by weight of less than 1,5 %, containing 50 % or more but less than 75 % by weight of starches
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa: communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:
ex 1905 30	Sweet biscuits; waffles and wafers — Biscuits

Common organisation of the market	Special treatment for the ACP States
ex 1905 40 00	— Rusks, toasted bread and similar (toasted products other than ships biscuits)
ex 1905 90	— Other — Biscuits
2008 99 85	Maize (corn), otherwise prepared or preserved, not containing added sugar or spirit, other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)
1702 10 10	16 % reduction in customs duties for the following products:
1702 10 90	— Lactose and lactose syrup
1702 30 51	
1702 30 59	— Other sugars containing in the dry state 99 % or more by weight of glucose
2005 20 20	— Potatoes, prepared or preserved, other than in the form of flour, meal or flakes
2005 20 80	
2101 10 98	— Other preparations of extracts, essences or concentrates of coffee
2102 20 98	— Other preparation of extracts, essences or concentrates of tea or maté

18. SPECIAL ARRANGEMENTS FOR IMPORTING CERTAIN AGRICULTURAL PRODUCTS ORIGINATING IN THE ACP STATES OR THE OCT INTO THE FRENCH OVERSEAS DEPARTMENTS

CN code:		Non-application of the third-country levy
0102 90 10	live animals of the	
0102 90 31	domestic bovine species,	
0102 90 33	other than pure-bred	
0102 90 35	breeding animals	
0102 90 37		
0201	meat of bovine animals,	Non-application of the third-country levy
0202	fresh chilled or frozen	
0206 10 95		Non-application of the third-country levy. Necessary measures against
0206 29 91		disturbances of the Community market should imports exceed 25 000
		tonnes per annum
0709 90 60	maize	
0712 90 19		
1005 10 90		
1005 90 90		
0714 10 91	(including yams)	Non-application of the third-country levy within the limits of an annual
0714 90 11		quota of 2 000 tonnes

19. SPECIAL ARRANGEMENTS FOR IMPORTS OF RICE INTO RÉUNION

Non-application of the third-country levy'

82. In the Final Act, Annex XLVI shall be replaced by the following:

'ANNEX XLVI

STABEX

Joint declaration on Articles 210 and 211

Pursuant to the decision of the ACP-EC Council of Ministers of 21 May 1992 in Kingston, Jamaica, and with a view to avoiding difficulties in the rapid inception and implementation of the framework of mutual obligations, the Contracting Parties agree to use all appropriate means including information seminars, appropriate technical assistance, etc., within the framework of Development Finance Cooperation.'

83. In the Final Act, Annex LIV shall be replaced by the following:

'ANNEX LIV

Joint Declaration on Article 294

The definition of the concept of "originating" products for the purpose of implementing Article 294 shall be assessed by reference to the relevant international agreements. For the purpose of implementing Article 294, supplies originating in the Community shall include supplies originating in the OCT.'

84. In the final Act, in Annex LXVIII, in paragraph 1, the following expression shall be deleted:
- '(excluding its general sessions)'.

85. In the Final Act, the following Annexes LXXIX to LXXXIX shall be added.

'ANNEX LXXIX

Joint declaration on Articles 156(4), 157(1) and 158(1)(d) and (h), concerning regional cooperation

Reference in these Articles to overseas territories and departments shall include the Canary Islands, the Azores and Madeira.

ANNEX LXXX

Joint declaration on the consultation and information of agents of development

With a view to encouraging the participation of the agents of decentralised cooperation in Fund

projects and programmes and to ensuring that their initiatives are taken into account in the formulation and in the implementation of indicative programmes, ACP States will endeavour to organise exchanges of views with such agents. The ACP States and the Commission will also endeavour to provide information necessary for their participation in the implementation of the programmes.

ANNEX LXXXI

Community declaration on Article 281(1)

The notification of the indicative amount referred to in Article 281(1) will not apply to the ACP States with whom the Community has suspended its cooperation.

ANNEX LXXXII

Joint declaration on implementation procedures

With regard to the implementation procedures, in particular:

- the award of contracts, and
- the role of the executing agents,

the Ministerial Conference calls on the ACP-EC Council of Ministers through the Development Finance Cooperation Committee to deepen its examination of these procedures and, where appropriate, to adapt them during the period of application of the Second Financial Protocol.

In addition, the Ministerial Conference recognises that in order to improve the finalisation of financing proposals, additional information may be required. In this regard, the Ministerial Conference calls on the ACP-EC Council of Ministers to establish the necessary arrangements for providing within the framework of this Convention the necessary resources required, where the Commission's own resources and the interest accruing from EDF resources are inadequate.

ANNEX LXXXIII

Joint declaration on Article 366a

1. In the practical application of this Convention, the Contracting Parties will not have recourse to the provision of 'special urgency' in Article 366a, other than in exceptional cases of particularly serious and flagrant violations that, because of the response time required, render any prior consultation impossible.

2. In the event that either Contracting Party has resort to this measure, the relevant Party

undertakes to make arrangements to consult with the other expeditiously with a view to assessing the situation in detail and, if necessary, remedying it.

ANNEX LXXXIV

Community declaration on debt

The Community reaffirms its willingness to contribute constructively and actively to the alleviation of the debt burden of the ACP States.

In this context, it agrees to transform into grants all the special loans of the previous Conventions which have not yet been committed.

The Community also confirms its determination to pursue the discussion of these questions in the appropriate forums, taking into account the specific difficulties of the ACP States.

ANNEX LXXXV

Community declaration on Article 2(d) of the Second Financial Protocol

The specific resources provided for in the Second Financial Protocol for emergency assistance may be supplemented, for the duration of the Second Financial Protocol, by an additional amount of ECU 160 million from the Community budget.

ANNEX LXXXVI

Joint declaration on cumulation

The Contracting Parties agreed that, for the implementation of Article 6(5) of Protocol 1, the following definitions shall apply:

developing country: any country listed as such by the Development Aid Committee of the OECD and the Republic of South Africa except the High Income Countries (HIC) and the countries with a GNP exceeding in 1992 USD 100 billion at current prices;

the expression "neighbouring developing country belonging to a coherent geographical entity" shall refer to the following list of countries:

- Africa: Algeria, Egypt, Libya, Morocco, Tunisia and, on an *ad-hoc* basis, South Africa,
- Caribbean: Colombia, Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Venezuela,
- Pacific: Nauru.

ANNEX LXXXVII

Joint declaration on fishery products

The Contracting Parties agree that the Customs Cooperation Committee shall, at the earliest opportunity, examine in a positive manner difficulties which arise from the application of the provisions of Article 2(2) of Protocol 1. The Customs Cooperation Committee shall report to the Council of Ministers within one year of the entry into force of these provisions.

ANNEX LXXXVIII

Joint declaration on bananas

Special attention shall be granted, when determining the volume of programmable assistance to ACP banana suppliers to the Community, where external circumstances beyond their control have led to the need for restructuring, concerning also the banana sector.

ANNEX LXXXIX

Joint declaration relating to Protocol 10

The Contracting Parties agree to cooperate in the implementation of the provisions of Protocol 10 to take into account internationally harmonised criteria and indicators on sustainable management of forests.'

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente Acuerdo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne aftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

Σε πίστωση των ανωτέρω, οι υπογράφοντες πληρεξούσιοι έθεσαν την υπογραφή τους κάτω από την παρούσα συμφωνία.

In witness whereof the undersigned plenipotentiaries have signed this Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

In fede di che i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo.

Ten blijke waarvan de ondergetekenden gevolmachtigden hun handtekening onder deze Overeenkomst hebben gezet.

Em fé do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no presente acordo.

Tämän vakuudeksi alla mainitut täysivaltaiset edustajat ovat tehneet tämän sopimuksen.

Till bevis härpå har undertecknade befullmäktigade ombud undertecknat detta avtal.

Hecho en Mauricio, el cuatro de noviembre de mil novecientos noventa y cinco.

Udfærdiget i Mauritius, den fjerde november nitten hundrede og femoghalvfems.

Geschehen zu Mauritius am vierten November neunzehnhundertfünfundneunzig.

Έγινε στον Μανρίζιο, στις τέσσερις Νοεμβρίου χίλια εννιακόσια ενενήντα πέντε.

Done at Mauritius on the fourth day of November in the year one thousand nine hundred and ninety-five.

Fait à Maurice, le quatre novembre mil neuf cent quatre-vingt-quinze.

Fatto a Maurizio, addì quattro novembre millenovecentonovantacinque.

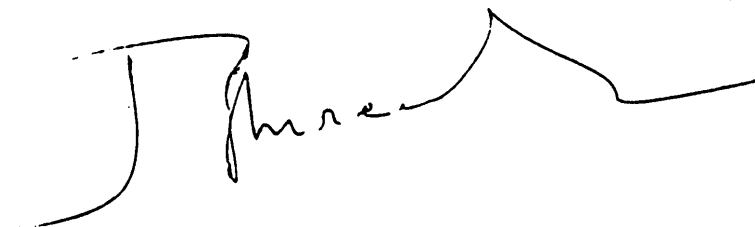
Gedaan te Mauritius, de vierde november negentienhonderd vijffennegentig.

Feito na Maurícia, em quatro de Novembro de mil novecentos e noventa e cinco.

Tehty Mauritiuksessa neljäntenä päivänä marraskuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäviisi.

Som skedde i Mauritius den fjärde november nittonhundra nittio fem.

Pour Sa Majesté le roi des Belges
Voor Zijne Majesteit de Koning der Belgen
Für Seine Majestät der König der Belgier

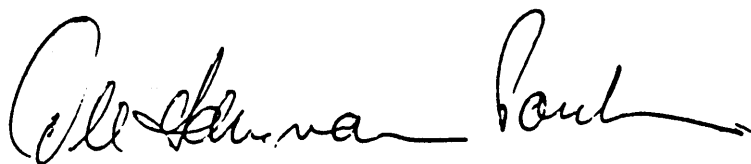


Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift verbindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

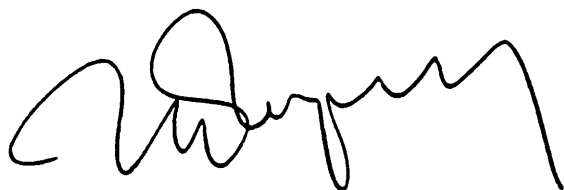
For Hendes Majestæt Danmarks Dronning



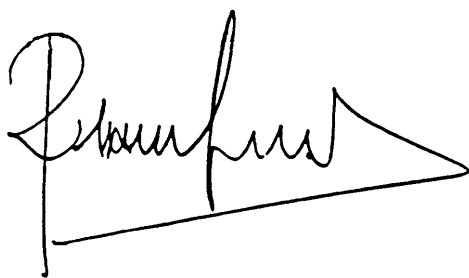
Für den Präsidenten der Bundesrepublik Deutschland



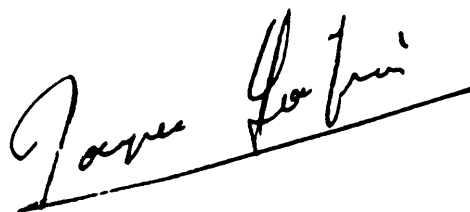
Για τον Πρόεδρο της Ελληνικής Δημοκρατίας



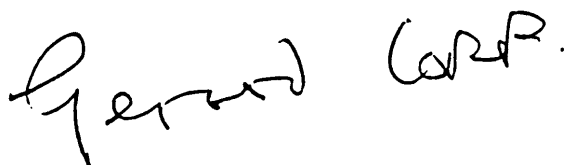
Por Su Majestad el Rey de España



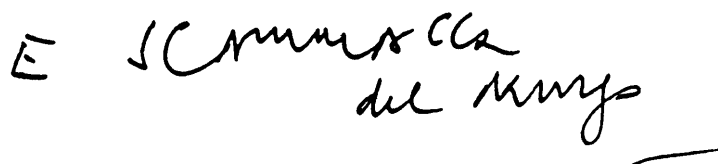
Pour le président de la République française



Thar ceann Uachtarán na hÉireann
For the President of Ireland



Per il Presidente della Repubblica italiana



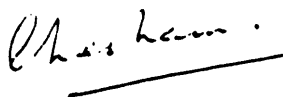
Suomen Tasavallan Presidentin puolesta
För Republiken Finlands President



För Konungariket Sverige



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



Por las Comunidades Europeas
For De Europæiske Fællesskaber
Für die Europäischen Gemeinschaften
Για τις Ευρωπαϊκές Κοινότητες
For the European Communities
Pour les Communautés européennes
Per le Comunità europea
Voor de Europese Gemeenschappen
Pelas Comunidades Europeias
Euroopan yhteisöjen puolesta
För Europeiska gemenskaperna



Pour le président de la République d'Angola

João Baptista Kussuama

For Her Majesty the Queen of Antigua and Barbuda

Starret D. Greene

For the Head of State of the Commonwealth of the Bahamas

Lynden Pindling

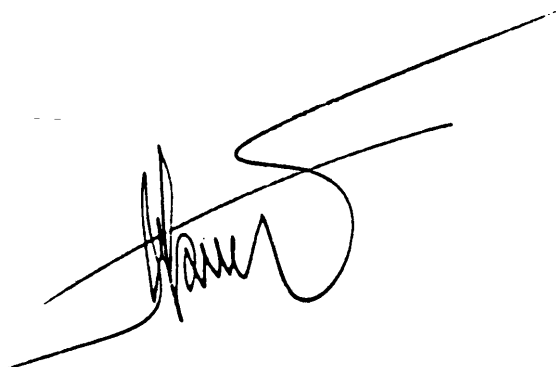
For the Head of State of Barbados

B. L. A. L. L.

For Her Majesty the Queen of Belize

A handwritten signature in cursive script, appearing to read 'R. Garcia'.

Pour le président de la République du Bénin

A handwritten signature in cursive script, appearing to read 'Mathieu Kérékou'.

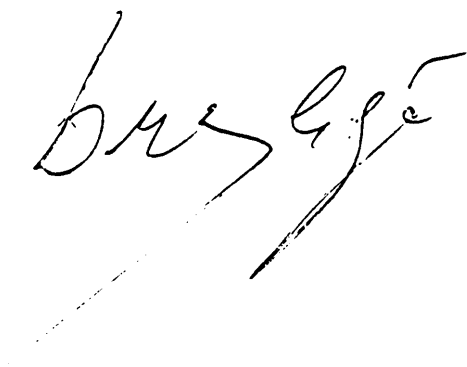
For the President of the Republic of Botswana

A handwritten signature in cursive script, appearing to read 'Festus Mogae'.

Pour le président du Burkina Faso

A handwritten signature in cursive script, appearing to read 'Y. Ouédraogo'.

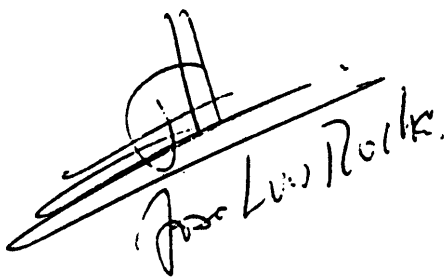
Pour le président de la République du Burundi

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

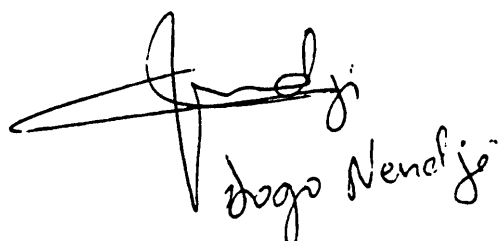
Pour le président de la République du Cameroun

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

Pour le président de la République du Cap-Vert

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

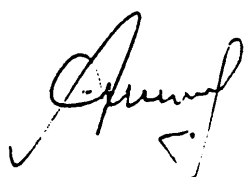
Pour le président de la République centrafricaine

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

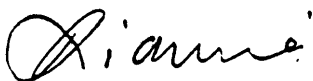
Pour le président de la République fédérale islamique des Comores

A stylized, cursive handwritten signature in black ink, featuring several loops and a long, sweeping horizontal stroke at the end.

Pour le président de la République du Congo

A handwritten signature in black ink, appearing to be 'Assouline' with a small triangle at the bottom right.

Pour le président de la République de Côte-d'Ivoire

A handwritten signature in black ink, appearing to be 'Alassane' in a cursive script.

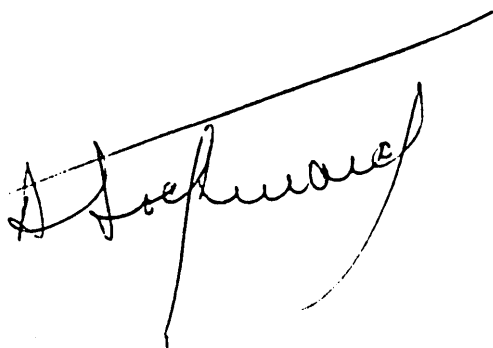
Pour le président de la République de Djibouti

A handwritten signature in black ink, featuring a series of vertical, parallel strokes and a final horizontal stroke.

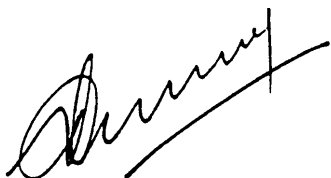
For the Government of the Commonwealth of Dominica

A handwritten signature in black ink, featuring a large, sweeping loop on the left and a series of smaller, connected loops and strokes on the right.

For the President of the Dominican Republic

A handwritten signature in black ink, consisting of a long, horizontal, slightly wavy line with a small loop at the end, and a vertical stroke extending downwards from the middle.

For the President of the State of Eritrea

A handwritten signature in black ink, featuring a large, bold, stylized letter 'D' followed by several horizontal strokes and a final vertical stroke.

For the President of the Federal Democratic Republic of Ethiopia

A handwritten signature in black ink, consisting of a series of connected, slightly wavy horizontal strokes.

For the President of the Sovereign Democratic Republic of Fiji

A large, stylized handwritten signature in black ink, featuring a prominent loop at the beginning and a series of connected cursive strokes.

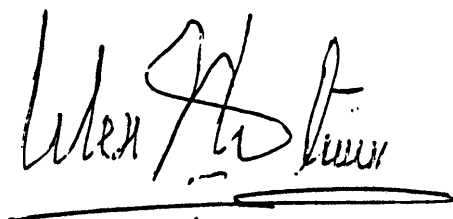
Pour le président de la République gabonaise

A handwritten signature in black ink, consisting of a few bold, sweeping strokes that form a stylized monogram.

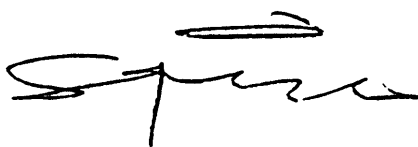
For the Chairman of the AFPRC and Head of State of the Republic of The Gambia

A handwritten signature in black ink, written in a cursive style with several loops and a long horizontal stroke at the end.

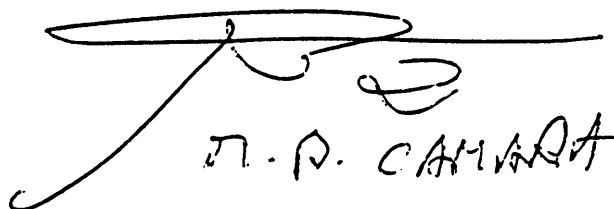
For the President of the Republic of Ghana

A handwritten signature in black ink, featuring a large, bold initial 'L' followed by several cursive strokes, and a thick horizontal line underneath.

For Her Majesty the Queen of Grenada



Pour le président de la République de Guinée

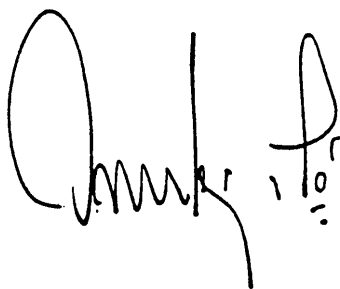


M. D. CAMARA

Pour le président de la République de Guinée-Bissau



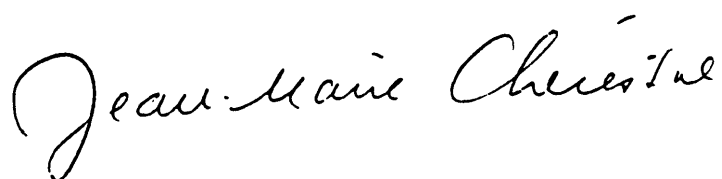
Pour le président de la République de Guinée équatoriale



For the President of the Cooperative Republic of Guyana

A handwritten signature in black ink, appearing to be 'Bernard ...', with a long horizontal stroke extending to the right.

Pour le président de la République d'Haïti

A handwritten signature in black ink, reading 'Jean-Marie Chénest', written in a cursive style.

For the Head of State of Jamaica

A handwritten signature in black ink, featuring a large, stylized initial 'J' followed by a long horizontal stroke.

For the President of the Republic of Kenya

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

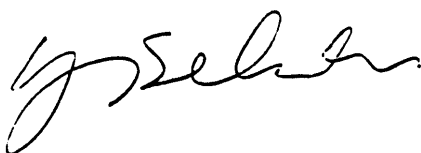
For the President of the Republic of Kiribati

A handwritten signature in black ink, appearing to read 'Hamann', with a large, stylized initial 'H'.

For His Majesty the King of the Kingdom of Lesotho

A handwritten signature in black ink, appearing to read 'Letsame', with a large, stylized initial 'L'.

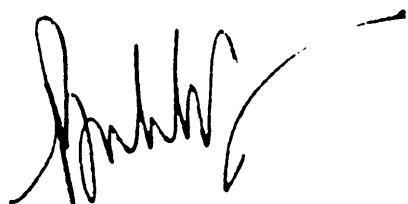
For the President of the Republic of Liberia

A handwritten signature in black ink, appearing to read 'G. S. S.', with a large, stylized initial 'G'.

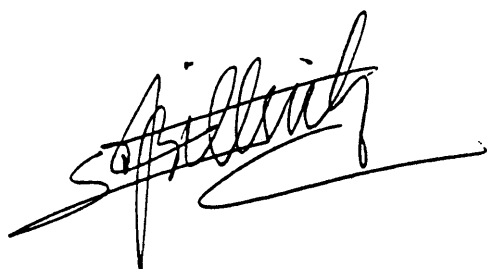
Pour le président de la République de Madagascar

A handwritten signature in black ink, appearing to read 'R. R.', with a large, stylized initial 'R'.

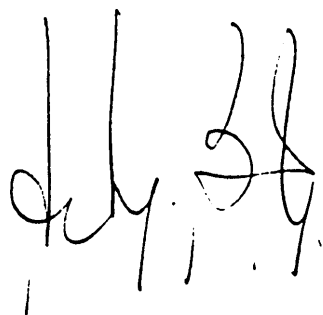
For the President of the Republic of Malawi

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Pour le président de la République du Mali

A handwritten signature in black ink, featuring a large, stylized 'S' shape followed by a horizontal line.

Pour le président de la République islamique de Mauritanie

A handwritten signature in black ink, with a large 'M' and 'I' followed by a horizontal line.

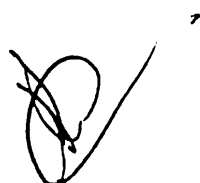
For the President of the Republic of Mauritius

A handwritten signature in black ink, with a large 'P' and 'M' followed by a horizontal line.

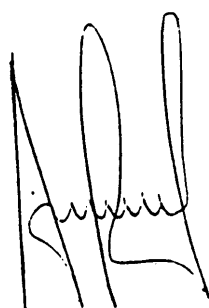
Pour le président de la République du Mozambique

A stylized, cursive handwritten signature in black ink, likely belonging to Joaquim Chissano, the President of Mozambique at the time.

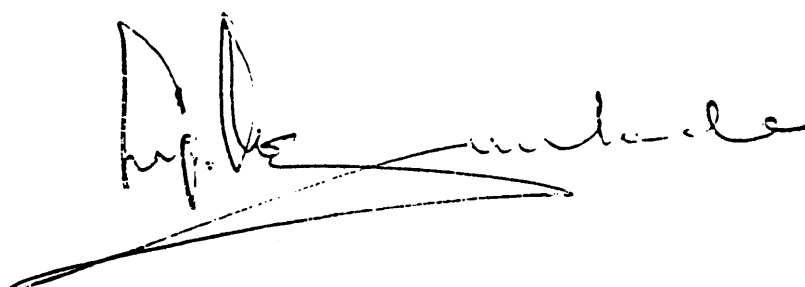
For the President of the Republic of Namibia

A handwritten signature in black ink, consisting of a large, looped initial followed by a checkmark-like stroke, likely belonging to Sam Nujoma.

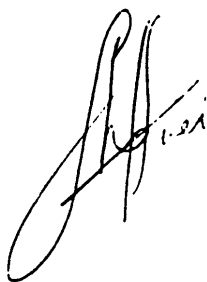
Pour le président de la République du Niger

A handwritten signature in black ink, featuring a large, stylized 'A' or 'M' followed by a series of loops, likely belonging to Aliou Toure.

For the Head of State of the Federal Republic of Nigeria

A handwritten signature in black ink, featuring a large, stylized 'A' or 'M' followed by a series of loops, likely belonging to Abdulsalam Abba Kyirga.

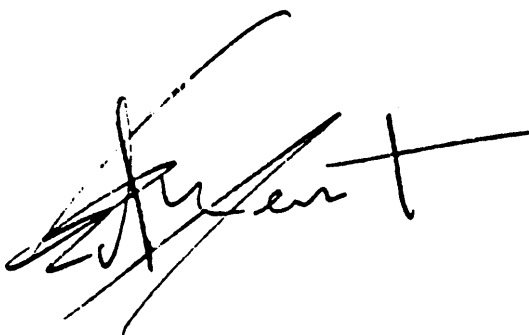
For Her Majesty the Queen of the Independent State of Papua New Guinea

A stylized, handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

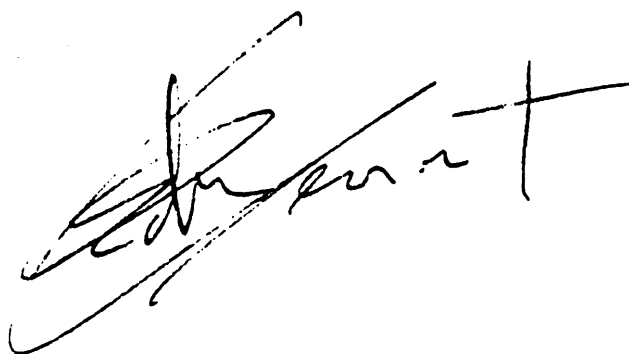
Pour le président de la République rwandaise

A handwritten signature in black ink, featuring a prominent 'R' and a long horizontal stroke.

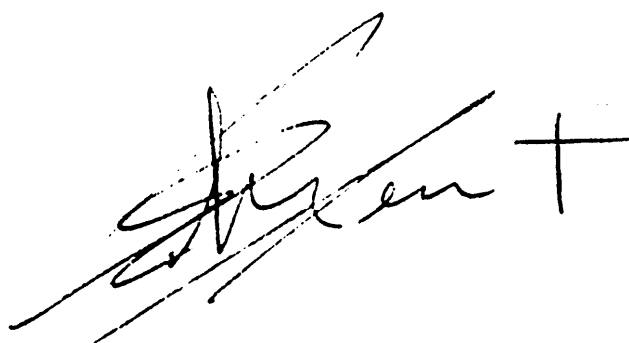
For Her Majesty the Queen of Saint Kitts and Nevis

A handwritten signature in black ink, with a large 'K' and a long horizontal stroke.

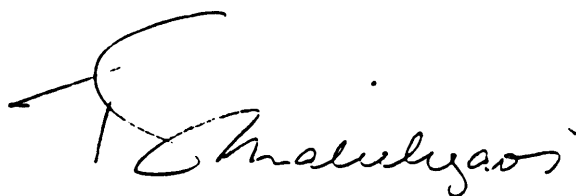
For Her Majesty the Queen of Saint Lucia

A handwritten signature in black ink, with a large 'K' and a long horizontal stroke.

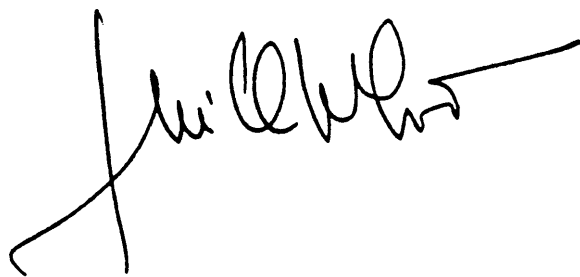
For Her Majesty the Queen of Saint Vincent and the Grenadines

A handwritten signature in black ink, appearing to be 'Elizabeth', followed by a large cross symbol.

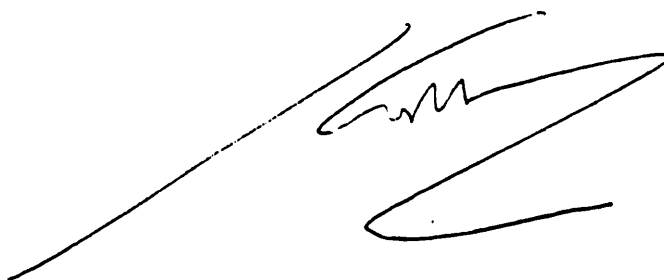
For the Head of State of the Independent State of Western Samoa

A handwritten signature in black ink, appearing to be 'T. Malietoga', written in a cursive style.

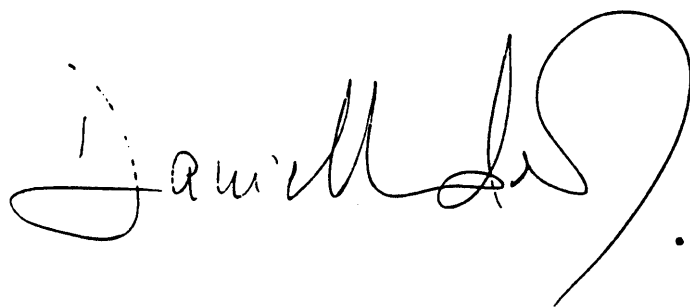
Pour le président de la République démocratique de São Tomé et Príncipe

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

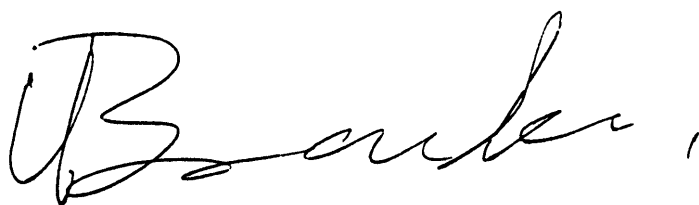
Pour le président de la République du Sénégal

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

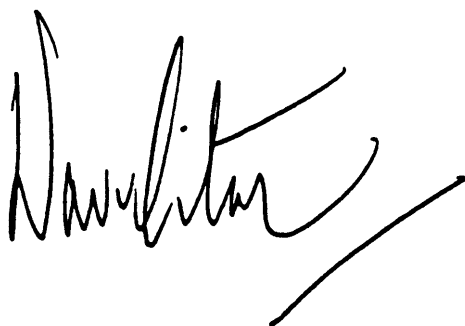
Pour le président de la République des Seychelles

A handwritten signature in black ink, appearing to read "James M. Williams", followed by a large, stylized flourish that loops around and ends with a period.

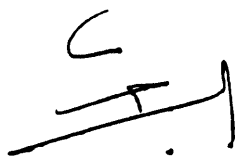
For the Head of State of the Republic of Sierra Leone

A handwritten signature in black ink, appearing to read "K. B. Brindley", followed by a long, horizontal flourish that ends with a comma.

For Her Majesty the Queen of the Solomon Islands

A handwritten signature in black ink, appearing to read "H. H. H. H. H.", followed by a long, diagonal flourish that extends from the bottom right.

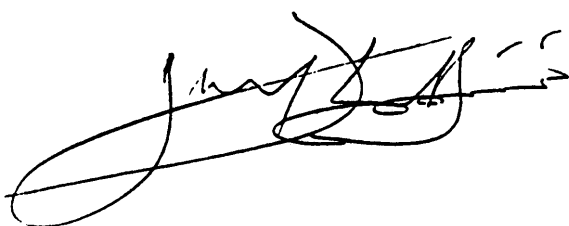
For the President of the Republic of the Sudan

A handwritten signature in black ink, appearing to read "J. N. J. N. J.", followed by a long, horizontal flourish that ends with a period.

For the President of the Republic of Suriname

A stylized, handwritten signature in black ink, featuring a large, looping initial 'B' followed by several sharp, angular strokes.

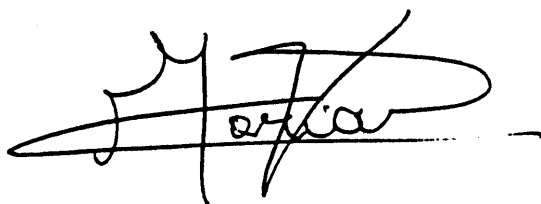
For His Majesty the King of the Kingdom of Swaziland

A handwritten signature in black ink, consisting of a long, sweeping horizontal stroke followed by a series of smaller, more intricate loops and strokes.

For the President of the United Republic of Tanzania

A handwritten signature in black ink, featuring a series of connected, somewhat cursive loops and strokes.

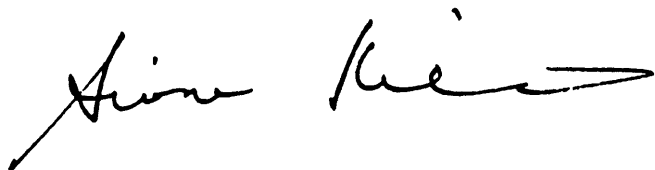
Pour le président de la République du Tchad

A handwritten signature in black ink, featuring a large, bold, sweeping horizontal stroke followed by a series of smaller, more intricate loops and strokes.

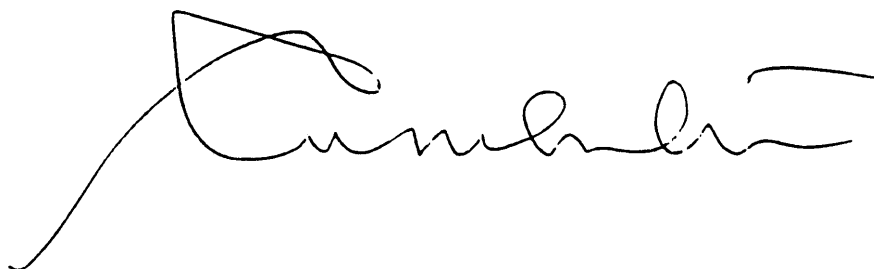
Pour le président de la République togolaise

A handwritten signature in black ink, featuring a series of connected, somewhat cursive loops and strokes.

For His Majesty King Taufa'ahau Tupou IV of Tonga

A handwritten signature in black ink, appearing to read 'Taufa'ahau Tupou IV', with a long horizontal stroke extending to the right.

For the President of the Republic of Trinidad and Tobago

A handwritten signature in black ink, featuring a large, stylized initial 'R' followed by a series of connected loops and a long horizontal stroke.

For Her Majesty the Queen of Tuvalu

A handwritten signature in black ink, appearing to read 'Queen of Tuvalu', with a long horizontal stroke extending to the right.

For the President of the Republic of Uganda

A handwritten signature in black ink, appearing to read 'President of Uganda', with a long horizontal stroke extending to the right.

For the Government of the Republic of Vanuatu

A handwritten signature in black ink, appearing to read 'Government of Vanuatu', with a long horizontal stroke extending to the right.

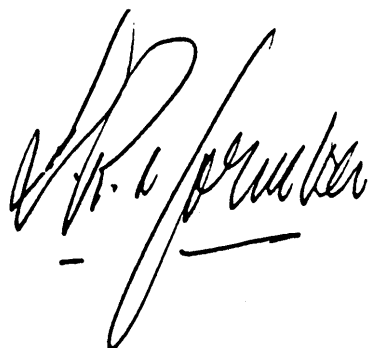
Pour le président de la République du Zaïre

A large, stylized handwritten signature in black ink, slanted upwards to the right. The signature appears to be 'Maurice' followed by a long horizontal stroke.

For the President of the Republic of Zambia

A handwritten signature in black ink, appearing to be 'D. P. M.' followed by a period.

For the President of the Republic of Zimbabwe

A handwritten signature in black ink, appearing to be 'R. G. M.' followed by a horizontal line.

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 HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF FINLAND,

THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

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 and the Treaty establishing the European Community, hereinafter referred to as 'the Community', the States of the Community being hereinafter referred to as 'Member States',

and of the COUNCIL OF THE EUROPEAN UNION and the COMMISSION OF THE EUROPEAN COMMUNITIES,

of the one part, and

The plenipotentiaries of:

THE PRESIDENT OF THE REPUBLIC OF ANGOLA,

HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA,

THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS,

THE HEAD OF STATE OF BARBADOS,

HER MAJESTY THE QUEEN OF BELIZE,

THE PRESIDENT OF THE REPUBLIC OF BENIN,

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,

THE PRESIDENT OF BURKINA FASO,

THE PRESIDENT OF THE REPUBLIC OF BURUNDI,

THE PRESIDENT OF THE REPUBLIC OF CAMEROON,

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,

THE PRESIDENT OF THE ISLAMIC FEDERAL REPUBLIC OF THE COMOROS,

THE PRESIDENT OF THE REPUBLIC OF THE CONGO,

THE PRESIDENT OF THE REPUBLIC OF THE CÔTE D'IVOIRE,

THE PRESIDENT OF THE REPUBLIC OF DJIBOUTI,

THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA,

THE PRESIDENT OF THE DOMINICAN REPUBLIC,

THE PRESIDENT OF THE STATE OF ERITREA,

THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA,

THE PRESIDENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI,

THE PRESIDENT OF THE GABONESE REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF GAMBIA,

THE PRESIDENT OF THE REPUBLIC OF GHANA,

HER MAJESTY THE QUEEN OF GRENADA,

THE PRESIDENT OF THE REPUBLIC OF GUINEA,

THE PRESIDENT OF THE REPUBLIC 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 HAITI,

THE HEAD OF STATE OF JAMAICA,

THE PRESIDENT OF THE REPUBLIC OF KENYA,

THE PRESIDENT OF THE REPUBLIC OF KIRIBATI,
HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO,
THE PRESIDENT OF THE REPUBLIC OF LIBERIA,
THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR,
THE PRESIDENT OF THE REPUBLIC OF MALAWI,
THE PRESIDENT OF THE REPUBLIC OF MALI,
THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA,
THE PRESIDENT OF THE REPUBLIC OF MAURITIUS,
THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE,
THE PRESIDENT OF THE REPUBLIC OF NAMIBIA,
THE PRESIDENT OF THE REPUBLIC OF NIGER,
THE HEAD OF STATE OF THE FEDERAL REPUBLIC OF NIGERIA,
THE PRESIDENT OF THE REPUBLIC OF UGANDA,
HER MAJESTY THE QUEEN OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA,
THE PRESIDENT OF THE RWANDESE REPUBLIC,
HER MAJESTY THE QUEEN OF SAINT KITTS AND NEVIS,
HER MAJESTY THE QUEEN OF SANTA LUCIA,
HER MAJESTY THE QUEEN OF SAINT VINCENT AND THE GRENADINES,
THE HEAD OF STATE OF THE INDEPENDENT STATE OF WESTERN SAMOA,
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE,
THE PRESIDENT OF THE REPUBLIC OF SENEGAL,
THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES,
THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,
HER MAJESTY THE QUEEN OF SOLOMON ISLANDS,
THE PRESIDENT OF THE REPUBLIC OF THE SUDAN,
THE PRESIDENT OF THE REPUBLIC OF SURINAME,
HIS MAJESTY 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 TOGOLESE REPUBLIC,
HIS MAJESTY KING TAUFUFA'AHU TUPOU IV OF TONGA,
THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO,
HER MAJESTY THE QUEEN OF TUVALU,
THE GOVERNMENT OF VANUATU,
THE PRESIDENT OF THE REPUBLIC OF ZAIRE,
THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,
THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE,

whose States are hereinafter referred to as 'ACP States',
of the other part,

meeting in Mauritius, this 4 November 1995 for the signing of the Agreement amending the Fourth ACP-EC Convention of Lomé signed in Mauritius on 4 November 1995, have adopted the following texts:

the Agreement amending the Fourth ACP-EC Convention of Lomé signed in Mauritius on 4 November 1995, and the Protocols and texts of the declaration listed below which are set out in the Final Act of the Convention:

Second Financial Protocol

Protocol 1	concerning the definition of the concept of 'originating products' and methods of administrative cooperation
Protocol 7	on beef and veal
Protocol 10	on sustainable management of forest resources
Annex XIV	Joint declaration on Article 91: Centre for the development of industry (CDI)
Annex XXII	Joint declaration on Article 141 concerning cultural and social cooperation
Annex XL	Joint declaration concerning agricultural products referred to in Article 168(2)(a)(ii)
Annex XLVI	Joint declaration on Articles 210 and 211
Annex LIV	Joint declaration on Article 294
Annex LXXIX	Joint declaration on Articles 156(4), 157(1) and 158(1)(d) and (h), concerning regional cooperation
Annex LXXX	Joint declaration on the consultation and information of agents of development
Annex LXXXII	Joint declaration on implementation procedures

Annex LXXXIII	Joint declaration on Article 366(a)
Annex LXXXVI	Joint declaration on cumulation
Annex LXXXVII	Joint declaration on fishery products
Annex LXXXVIII	Joint declaration on bananas
Annex LXXXIX	Joint declaration relating to Protocol 10

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of the ACP States have also agreed to annex to this Final Act the declaration listed below:

Joint declaration on trade development

The plenipotentiaries of the ACP States have taken note of the declarations listed below which are set out in the Final Act of the Convention:

Annex IIIa	Community declaration on Article 4
Annex LXXXI	Community declaration on Article 281(1)
Annex LXXXIV	Community declaration on dept
Annex LXXXV	Community declaration on Article 2(d) of the Second Financial Protocol

(The plenipotentiaries of the Member States and of the Community have taken note of the declarations listed below and annexed to this Final Act:)

Joint declaration on trade development

THE REPRESENTATIVES OF THE ACP STATES, THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, meeting in Mauritius for the signing of the Agreement amending the Fourth ACP-EC Convention of Lomé signed in Mauritius on 4 November 1995;

CONCERNED about the serious deterioration of trade performance of ACP States over the last 20 years;

RECOGNISING; on the other hand, the crucial importance of trade for any self-sustained development;

CONSIDERING it essential to ensure that effective use is made of all the instruments provided for by the Convention to develop trade;

CONSIDERING further that the improvement in the competitiveness of the ACP States constitutes the key to any further success in trade development;

CONSIDERING finally that trade development is crucial for the achievement of a smooth and gradual integration of the economies of the ACP States into the world economy thereby promoting sustainable economic and social development and contributing to the alleviation of poverty in these States,

REAFFIRM THEIR COMMITMENT TO:

- the according of priority to trade development in the context of national and regional programmes of ACP-EC cooperation under the new Financial Protocol of the eighth EDF,
- the definition and implementation of coherent trade policies and strategies in line with the comparative advantages and priorities set by each individual ACP State,
- the improvement of the macroeconomic and regulatory framework in the ACP States necessary for trade development,
- the establishment and strengthening of the physical and organisational infrastructure for trade and private investment with a view to enhancing to competitiveness of ACP goods and services in the national, regional and international markets,
- the coordinated deployment of all available instruments of cooperation in support of the production, distribution and marketing of ACP goods,
- the general principle that on the level of individual projects each measure shall be assessed as to its compatibility with its contribution to the improvement of the competitiveness of the economies of the ACP States.

The Council of Ministers shall review progress towards the attainment of these objectives every two years.

Hecho en Mauricio, el cuatro de noviembre de mil novecientos noventa y cinco.

Udfærdiget i Mauritius, den fjerde november nitten hundrede og femoghalvfems.

Geschehen zu Mauritius am vierten November neunzehnhundertfünfundneunzig.

Έγινε στον Μαυρίζιο, στις τέσσερις Νοεμβρίου χίλια εννιακόσια ενενήντα πέντε.

Done at Mauritius on the fourth day of November in the year one thousand nine hundred and ninety-five.

Fait à Maurice, le quatre novembre mil neuf cent quatre-vingt-quinze.

Fatto a Maurizio, addì quattro novembre millenovecentonovantacinque.

Gedaan te Mauritius, de vierde november negentienhonderd vijffennegentig.

Feito na Maurícia, em quatro de Novembro de mil novecentos e noventa e cinco.

Tehty Mauritiuksessa neljäntenä päivänä marraskuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäviisi.

Som skedde i Mauritius den fjärde november nittonhundra nittio fem.

Pour Sa Majesté le roi des Belges
Voor Zijne Majesteit de Koning der Belgen
Für Seine Majestät der König der Belgier

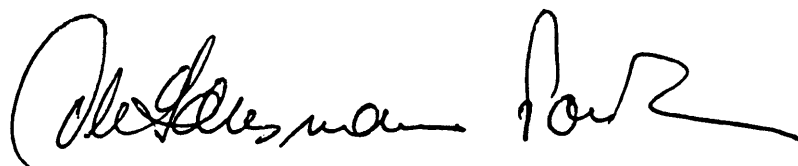
A handwritten signature in black ink, consisting of a large, stylized initial 'B' followed by a series of loops and a long horizontal stroke at the end.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

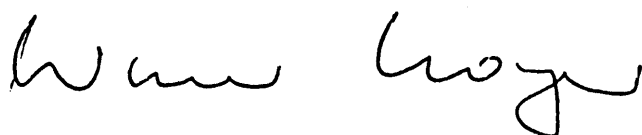
Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift verbindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

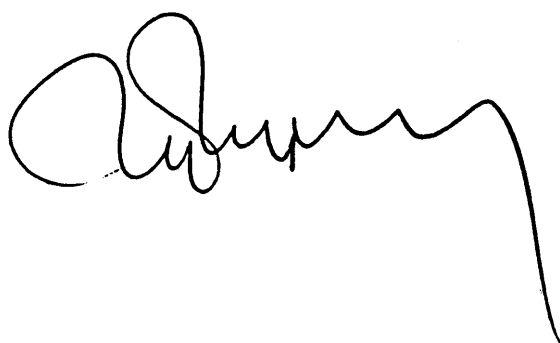
For Hendes Majestæt Danmarks Dronning

A handwritten signature in black ink, appearing to read 'Margrethe II', with a long, sweeping horizontal stroke at the end.

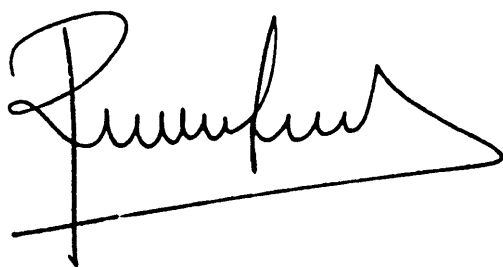
Für den Präsidenten der Bundesrepublik Deutschland

A handwritten signature in black ink, appearing to read 'Roman Herzog', with a long, sweeping horizontal stroke at the end.

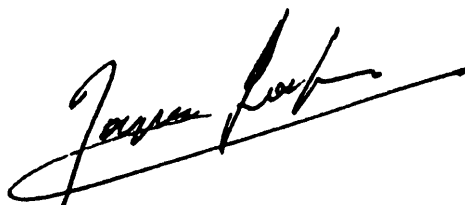
Για τον Πρόεδρο της Ελληνικής Δημοκρατίας

A handwritten signature in black ink, appearing to read 'Karolos Papoulias', with a long, sweeping horizontal stroke at the end.

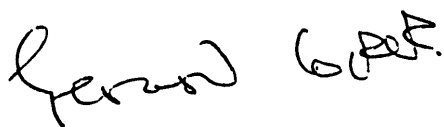
Por Su Majestad el Rey de España

A handwritten signature in black ink, appearing to read 'Juan Carlos I', with a long, sweeping horizontal stroke at the end.

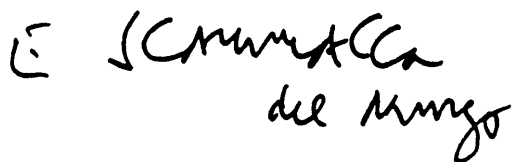
Pour le président de la République française

A stylized, cursive handwritten signature in black ink, likely belonging to Jacques Chirac, the President of France at the time.

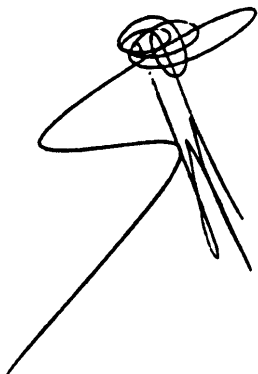
Thar ceann Uachtarán na hÉireann
For the President of Ireland

A handwritten signature in black ink, appearing to read 'B. J. Haughey', the President of Ireland.

Per il Presidente della Repubblica italiana

A handwritten signature in black ink, appearing to read 'Oscar Luigi Scalfaro', the President of Italy.

Pour Son Altesse Royale le grand-duc de Luxembourg

A handwritten signature in black ink, appearing to be 'Jean', the Grand Duke of Luxembourg.

Voor Hare Majesteit de Koningin der Nederlanden

[Handwritten signature]

Für den Bundespräsidenten der Republik Österreich

8 - Febrero 1968

Pelo Presidente da República Portuguesa



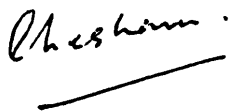
Suomen Tasavallan Presidentin puolesta
För Republiken Finlands President

RM Hunt

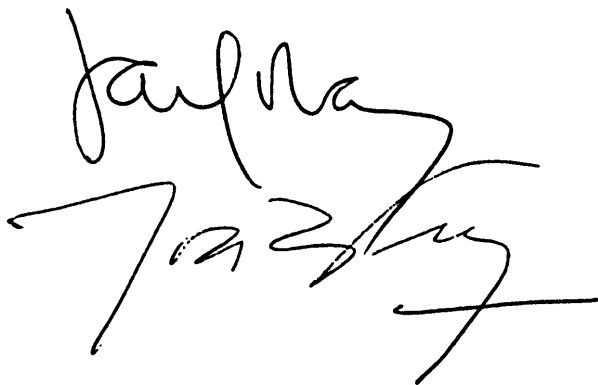
För Konungariket Sverige



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



Por las Comunidades Europeas
For De Europæiske Fællesskaber
Für die Europäischen Gemeinschaften
Για τις Ευρωπαϊκές Κοινότητες
For the European Communities
Pour les Communautés européennes
Per le Comunità europea
Voor de Europese Gemeenschappen
Pelas Comunidades Europeias
Euroopan yhteisöjen puolesta
För Europeiska gemenskaperna



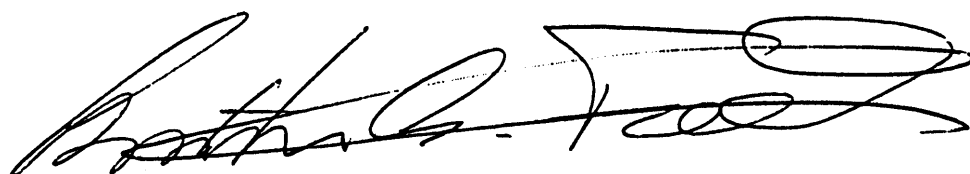
Pour le président de la République d'Angola



For Her Majesty the Queen of Antigua and Barbuda

Starret D. Greene

For the Head of State of the Commonwealth of the Bahamas



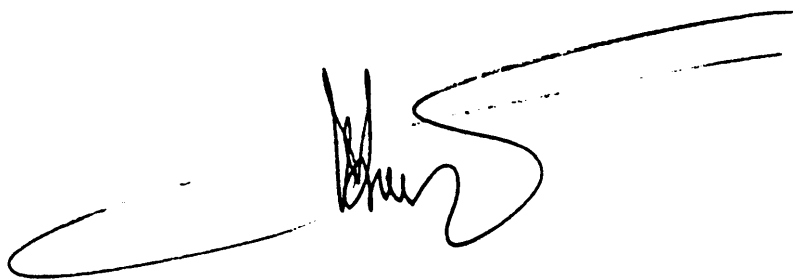
For the Head of State of Barbados

Biccia A. J. L. L. L.

For Her Majesty the Queen of Belize



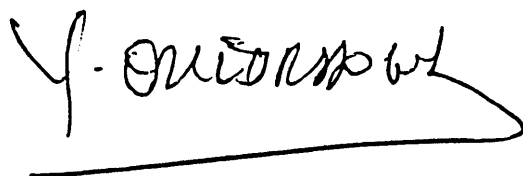
Pour le président de la République du Bénin

A stylized handwritten signature in black ink, featuring a large, sweeping horizontal stroke at the top and a more complex, looped structure below.

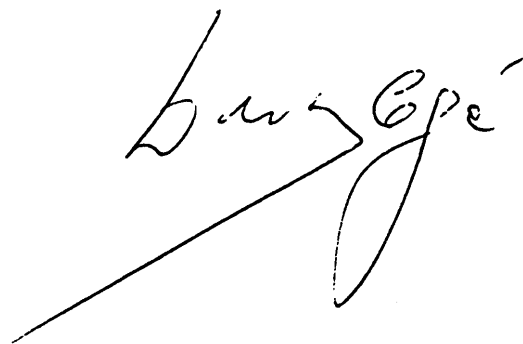
For the President of the Republic of Botswana

A handwritten signature in black ink, starting with a series of loops on the left and ending with a long, sweeping horizontal stroke that curves upwards at the right.

Pour le président du Burkina Faso

A handwritten signature in black ink, appearing to read 'Y. Ouédraogo' in a cursive style, with a long horizontal line underneath.

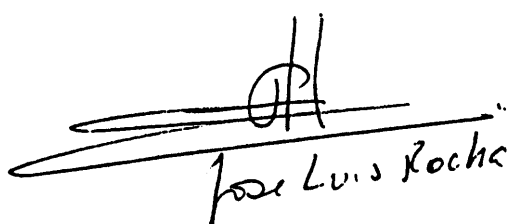
Pour le président de la République du Burundi

A handwritten signature in black ink, appearing to read 'B. Ndirakobuca' in a cursive style, with a long horizontal line underneath.

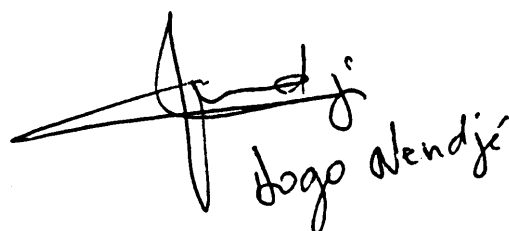
Pour le président de la République du Cameroun

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

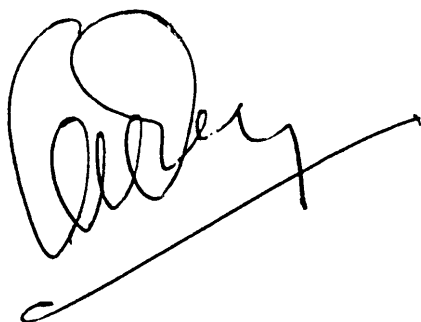
Pour le président de la République du Cap-Vert

A handwritten signature in black ink, featuring a stylized 'JL' monogram above the name 'José Luís Rocha'.

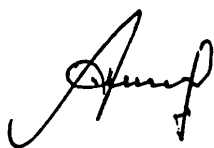
Pour le président de la République centrafricaine

A handwritten signature in black ink, featuring a stylized 'A' monogram above the name 'Ange-Félix Patassé'.

Pour le président de la République fédérale islamique des Comores

A handwritten signature in black ink, featuring a stylized 'A' monogram above the name 'Assouf Ouattara'.

Pour le président de la République du Congo

A stylized, cursive handwritten signature in black ink, appearing to start with a large 'A'.

Pour le président de la République de Côte-d'Ivoire

A handwritten signature in black ink, starting with a large 'O' followed by 'diama'.

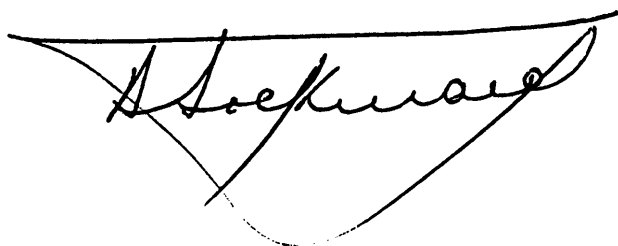
Pour le président de la République de Djibouti

A highly stylized, abstract handwritten signature in black ink, consisting of several vertical strokes and a diagonal line.

For the Government of the Commonwealth of Dominica

A handwritten signature in black ink, featuring a large, sweeping loop and a horizontal line at the bottom.

For the President of the Dominican Republic

A handwritten signature in black ink, appearing to read 'A. S. S. S. S.', enclosed within a large, stylized, inverted triangular frame.

For the President of the State of Eritrea

A handwritten signature in black ink, appearing to read 'Isaias', written in a cursive style.

For the President of the Federal Democratic Republic of Ethiopia

A handwritten signature in black ink, appearing to read 'T. Mengistu', written in a cursive style.

For the President of the Sovereign Democratic Republic of Fiji

A handwritten signature in black ink, appearing to read 'Ratu J. V. Ganilau', written in a cursive style.

Pour le président de la République gabonaise



For the Chairman of the AFPRC and Head of State of the Republic of The Gambia

Am. By /alumpen

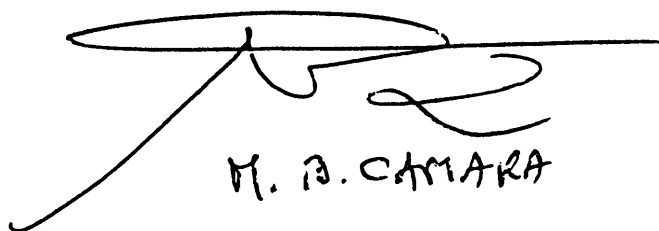
For the President of the Republic of Ghana

Cher H. Stein

For Her Majesty the Queen of Grenada

[Signature]

Pour le président de la République de Guinée

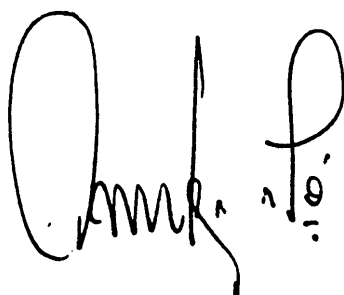


M. B. CAMARA

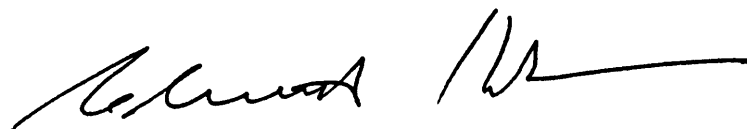
Pour le président de la République de Guinée-Bissau



Pour le président de la République de Guinée équatoriale



For the President of the Cooperative Republic of Guyana



Pour le président de la République d'Haïti

Jean-Jean Chénest

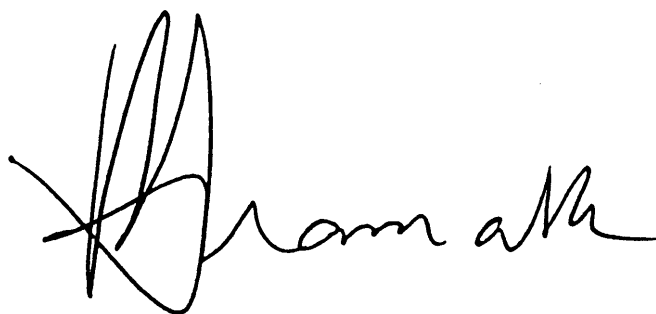
For the Head of State of Jamaica

A stylized, handwritten signature in black ink, featuring a large, looped initial 'J' followed by a series of sharp, diagonal strokes.

For the President of the Republic of Kenya

Pinxten

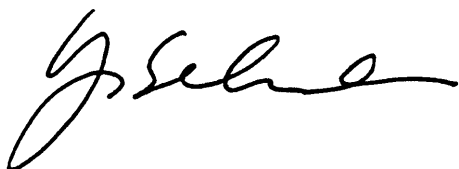
For the President of the Republic of Kiribati

A handwritten signature in black ink, starting with a large, bold, looped initial 'A' followed by the name 'Amath' in a cursive script.

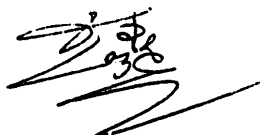
For His Majesty the King of the Kingdom of Lesotho

A stylized, cursive handwritten signature in black ink, featuring a large, sweeping initial 'L' and a series of loops and flourishes.

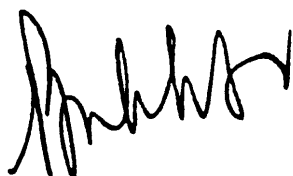
For the President of the Republic of Liberia

A cursive handwritten signature in black ink, starting with a large, stylized 'J' followed by several loops and a long horizontal stroke.

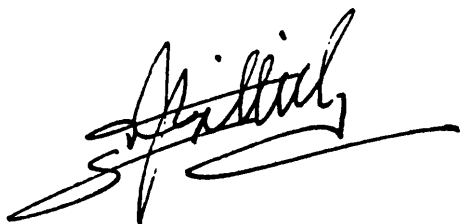
Pour le président de la République de Madagascar

A cursive handwritten signature in black ink, featuring a large, stylized initial 'R' and several loops and flourishes.

For the President of the Republic of Malawi

A cursive handwritten signature in black ink, starting with a large, stylized 'B' followed by several loops and a long horizontal stroke.

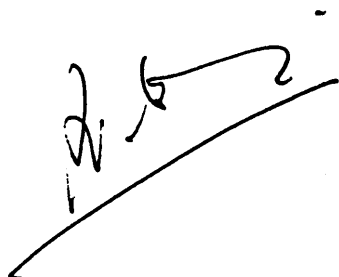
Pour le président de la République du Mali

A stylized, cursive handwritten signature in black ink, featuring a prominent horizontal stroke at the base.

Pour le président de la République islamique de Mauritanie

A handwritten signature in black ink, consisting of several vertical, slightly curved strokes and a horizontal base.

For the President of the Republic of Mauritius

A handwritten signature in black ink, featuring a large, sweeping horizontal stroke with a small loop above it.

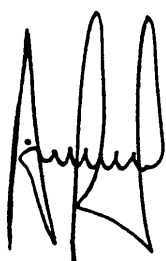
Pour le président de la République du Mozambique

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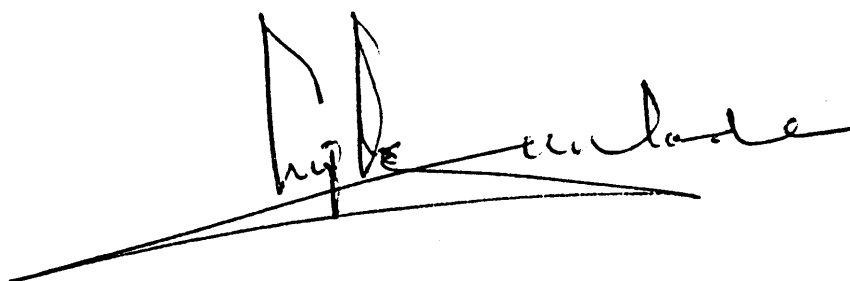
For the President of the Republic of Namibia

A handwritten signature in black ink, consisting of a large, stylized 'N' with a horizontal stroke across it, followed by a small dot.

Pour le président de la République du Niger

A handwritten signature in black ink, featuring a large, stylized 'A' followed by a series of loops and a final vertical stroke.

For the Head of State of the Federal Republic of Nigeria

A handwritten signature in black ink, featuring a large, stylized 'N' followed by a series of loops and a final vertical stroke.

For Her Majesty the Queen of the Independent State of Papua New Guinea

A handwritten signature in black ink, featuring a large, stylized 'A' followed by a series of loops and a final vertical stroke.

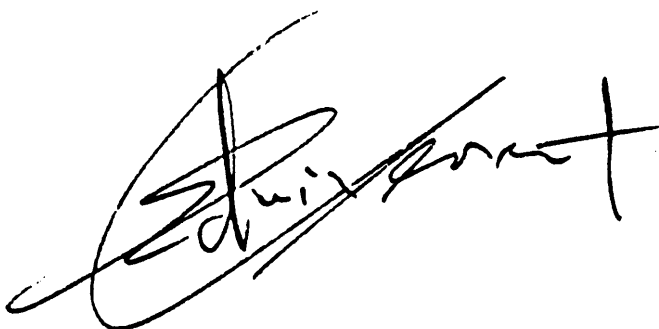
Pour le président de la République rwandaise



For Her Majesty the Queen of Saint Kitts and Nevis



For Her Majesty the Queen of Saint Lucia



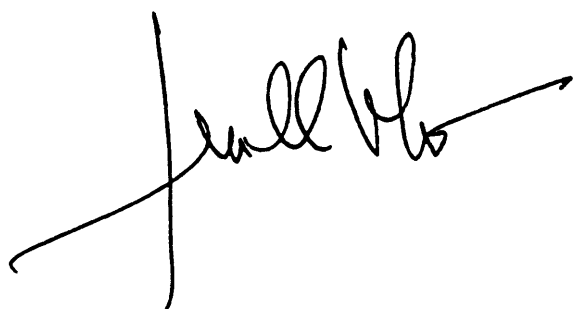
For Her Majesty the Queen of Saint Vincent and the Grenadines



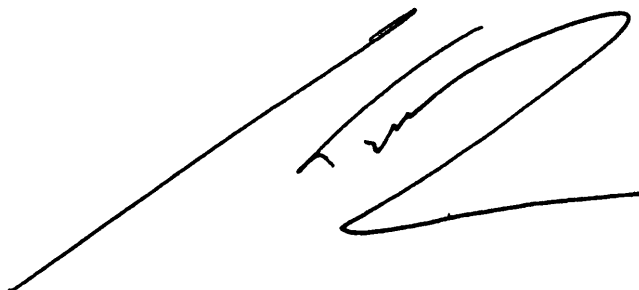
For the Head of State of the Independent State of Western Samoa

A handwritten signature in black ink, appearing to read 'S. Mauniga'.

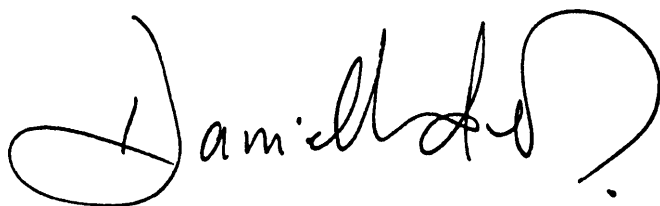
Pour le président de la République démocratique de São Tomé et Príncipe

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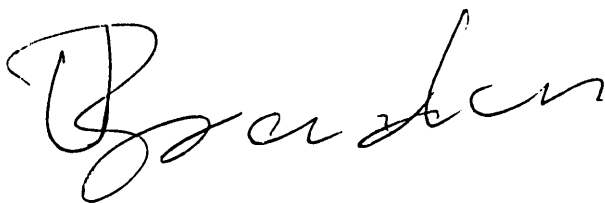
Pour le président de la République du Sénégal

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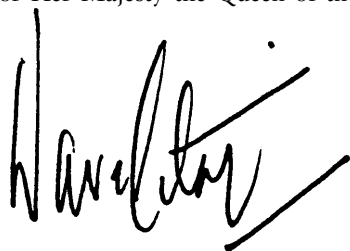
Pour le président de la République des Seychelles

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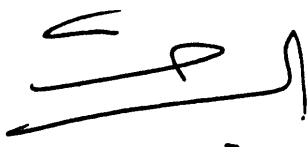
For the Head of State of the Republic of Sierra Leone

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

For Her Majesty the Queen of the Solomon Islands

A handwritten signature in black ink, appearing to read 'H. H. H.', written in a cursive style.

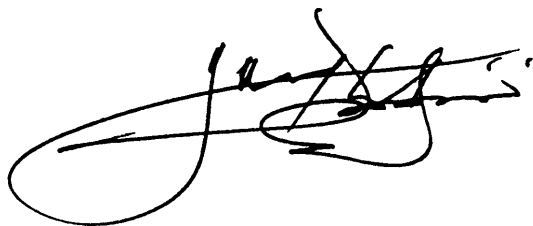
For the President of the Republic of the Sudan

A handwritten signature in black ink, appearing to read 'S. S. S.', written in a cursive style.

For the President of the Republic of Suriname

A handwritten signature in black ink, appearing to read 'D. D. D.', written in a cursive style.

For His Majesty the King of the Kingdom of Swaziland

A stylized, cursive handwritten signature in black ink, featuring a large loop at the beginning and a horizontal line across the middle.

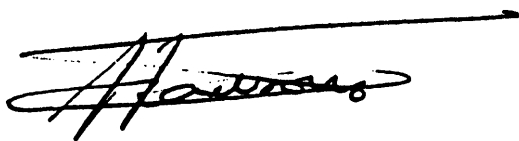
For the President of the United Republic of Tanzania

A handwritten signature in black ink that appears to read 'Mtwana' in a cursive script.

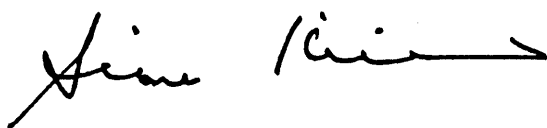
Pour le président de la République du Tchad

A handwritten signature in black ink, possibly reading 'Houphouët', with a long horizontal line extending from the end.

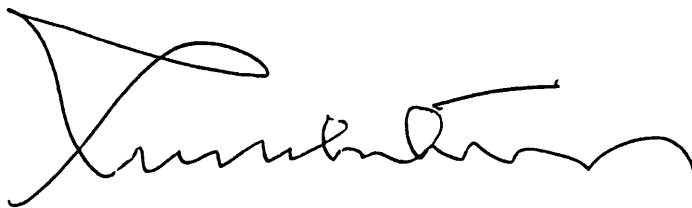
Pour le président de la République togolaise

A handwritten signature in black ink, possibly reading 'Alassane', with a long horizontal line extending from the end.

For His Majesty King Taufa'ahau Tupou IV of Tonga

A handwritten signature in black ink, possibly reading 'Taufa'ahau', with a long horizontal line extending from the end.

For the President of the Republic of Trinidad and Tobago

A large, stylized handwritten signature in black ink, featuring a prominent loop at the top and a long, sweeping tail.

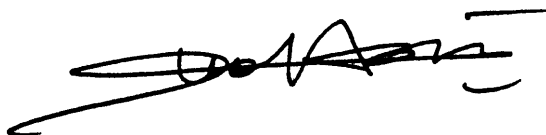
For Her Majesty the Queen of Tuvalu

A handwritten signature in black ink that reads "Kali Carola." in a cursive script.

For the President of the Republic of Uganda

A handwritten signature in black ink, appearing as a series of bold, overlapping strokes.

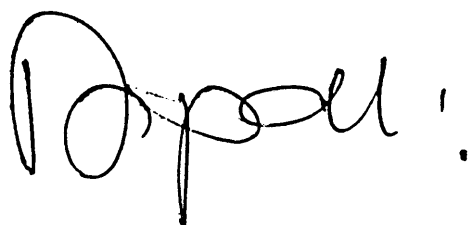
For the Government of the Republic of Vanuatu

A handwritten signature in black ink, consisting of several horizontal strokes with a large loop at the end.

Pour le président de la République du Zaïre

A stylized handwritten signature in black ink, featuring a large, sweeping loop on the left and a series of connected, fluid strokes on the right.

For the President of the Republic of Zambia

A handwritten signature in black ink, starting with a large, rounded 'D' followed by several loops and ending with a small vertical stroke.

For the President of the Republic of Zimbabwe

A handwritten signature in black ink, featuring a large, bold 'R' followed by a series of connected, fluid strokes.

Information on the date of entry into force of the Agreement amending the fourth ACP-EC Convention, signed at Mauritius on 4 November 1995

In accordance with Article 366, in conjunction with Article 360, of the fourth ACP-EC Convention, that Convention will enter into force on 1 June 1998, the instruments of ratification to those Member States of the Community that are signatories to the Convention ⁽¹⁾ and of two thirds of the African, Caribbean and Pacific (ACP) States as well as the Act of notification of conclusion by the Community having been deposited by 30 April 1998.

In accordance with Article 4 of Decision No 1/97 of the ACP-EC Council of Ministers of 24 April 1997 approving Protocol 11 governing the accession of the Republic of South Africa to the fourth ACP-EC Convention of Lomé as amended by the Agreement signed in Mauritius on 4 November 1995 ⁽²⁾, that Protocol will enter into force on the same date.

⁽¹⁾ Sweden, Portugal, Finland, Germany, Austria, United Kingdom, Luxembourg, Netherlands, Ireland, Italy, Greece, Denmark, Spain, Belgium, France.

⁽²⁾ OJ L 220, 11.8.1997, p. 1.

INTERNAL AGREEMENT

between the representatives of the Governments of the Member States, meeting within the Council, on the financing and administration of the Community aid under the Second Financial Protocol to the fourth ACP-EC Convention

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

Having regard to the Treaty establishing the European Community,

Whereas the fourth ACP-EC Convention, signed in Lomé on 15 December 1989 (hereinafter referred to as 'the Convention'), as amended by the Agreement amending the fourth ACP-EC Convention of Lomé, signed in Mauritius on 4 November 1995, set the aggregate amount of Community aid to the ACP States for a five-year period beginning on 1 March 1995 at ECU 14 625 million, comprising ECU 12 967 million from the European Development Fund and ECU 1 658 million the European Investment Bank (hereinafter referred to as 'the Bank');

Whereas the representatives of the Governments of the Member States meeting within the Council, agreed to set at ECU 165 million the amount of aid from the European Development Fund for the overseas countries and territories to which part four of the Treaty applies (hereinafter referred to as 'the OCT'); whereas provision is also made for operations to the amount of ECU 35 million to be undertaken by the Bank from its own resources in the OCT;

Whereas the ecu used for the application of this Agreement is defined in Council Regulation (EEC) No 3180/78 of 18 December 1978 changing the value of the unit of account used by the European Monetary Cooperation Fund⁽¹⁾ or, where appropriate, in any subsequent Council Regulation defining the composition of the ecu;

Whereas in order to implement the Convention and the Decision concerning the association of the OCT (hereinafter referred to as 'the Decision'), an eighth 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 those funds;

Whereas the rules for the administration of financial cooperation should be determined, the procedure for programming, examining and approving aid should be decided and the detailed rules for supervising the use of the aid should be laid down;

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 harmonised; whereas it is therefore desirable that, as far as possible, the composition of the committees set up under the auspices of the Commission and of the Bank should be identical;

Whereas the Council Resolution of 2 December 1993 and the conclusions of the Council of 6 May 1994 concern the coordination of cooperation policies and operations within the Community; whereas the Council Resolution of 1 June 1995 covers complementarity between the development policies and operations of the Union and its Member States;

After consulting the Commission,

HAVE AGREED AS FOLLOWS:

CHAPTER I

Article 1

1. The Member States hereby set up an eighth European Development Fund (1995), hereinafter referred to as 'the Fund'.

2. (a) The Fund shall consist of ECU 13 132 million of which:

(i) ECU 12 840 million contributed by the Member States as follows:

⁽¹⁾ OJ L 379, 30.12.1978, p. 1. Regulation as amended by Regulation (EEC) No 1971/89 (OJ L 189, 4.7.1989, p. 1).

	<i>(in ECU million)</i>	unanimously, should a new State accede to the Community.
Belgium	503	
Denmark	275	
Germany	3 000	
Greece	160	<i>Article 2</i>
Spain	750	
France	3 120	1. The amount stated in Article 1 shall be allocated as follows:
Ireland	80	
Italy	1 610	(a) ECU 12 967 million for the ACP States, comprising:
Luxembourg	37	(i) ECU 11 967 million in the form of grants, of which:
Netherlands	670	— ECU 1 400 million specifically reserved for structural adjustment support,
Austria	340	— ECU 1 800 million in the form of transfers pursuant to Part Three, Title II, Chapter 1 of the Convention,
Portugal	125	— ECU 575 million in the form of the special financing facility, pursuant to Part Three, Title II, Chapter 3 of the Convention,
Finland	190	— ECU 260 million reserved for emergency aid and aid to refugees,
Sweden	350	— ECU 1 300 million reserved for regional cooperation,
United Kingdom	1 630	— ECU 370 million to fund interest rate subsidies as referred to in Article 235 of the Convention,
		— ECU 6 262 million to fund national programmable aid;
(ii) ECU 292 million arising from the transfer of unallocated or unusable resources from previous funds, financed by the Member States as follows:		(ii) ECU 1 000 million in the form of risk capital;
— ECU 111 million from the adjustment of the aggregate total of seventh EDF grants, decided by the Contracting Parties on the basis of Article 232 of the Convention, broken down in accordance with the scale fixed in Article 1(2) of the internal agreement on the financing and administration of the seventh EDF,		(b) ECU 165 million for the OCT, comprising:
— ECU 142 million from the adjustment of the aggregate total of seventh EDF grants which must be considered as unusable for the purposes of programmable aid, broken down in accordance with the scale fixed in Article 1(2) of the internal agreement on the financing and administration of the seventh EDF,		(i) ECU 135 million in the form of grants, of which:
— ECU 26 million from the adjustment of the aggregate total of grants unallocated under the sixth EDF, broken down in accordance with the scale fixed in Article 1(2) of the internal agreement on the financing and administration of the sixth EDF,		— ECU 2,5 million ECU in the form of the special financing facility pursuant to the provisions of the Decision relating to mining products,
— ECU 13 million from the adjustment of the aggregate total of grants unallocated under the fourth EDF, broken down in accordance with the scale fixed in Article 1(2) of the internal agreement on the financing and administration of the fourth EDF.		— ECU 5,5 million ECU in the form of transfers for the OCT, pursuant to those provisions of the Decision which concern the system for stabilising export earnings,
		— ECU 3,5 million reserved for emergency aid and aid to refugees,
		— ECU 10 million reserved for regional cooperation,
		— ECU 8,5 million to fund interest rate subsidies as referred to in Article 157 of the Decision,
(b) The allocation of contributions under (a)(i) may be amended by a decision of the Council, acting		

- ECU 105 million to fund national programmable aid;

(ii) ECU 30 million in the form of risk capital.

2. Where an OCT which has become independent accedes to the Convention, the amounts indicated in paragraph 1(b)(i), first, third, fourth, fifth and sixth indents, and 1(b)(ii) shall be reduced and those indicated in paragraph 1(a) correspondingly increased by a decision of the Council acting unanimously on a proposal from the Commission.

In such cases, the country concerned will continue to be eligible for the funds provided for in paragraph 1(b)(i), second indent, subject to the administrative rules laid down in Part Three, Title II, Chapter 1 of the Convention.

Article 3

To the amount laid down in Article 1 shall be added ECU 1 693 million 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) the amount of ECU 1 658 million for financing operations to be carried out in the ACP States;
- (b) the amount of ECU 35 million for financing operations to be carried out in the OCT.

Article 4

That part of the amount set aside in Article 2(1)(a)(i), sixth indent, and 1(b)(i), fifth indent, to fund interest rate subsidies, which at the end of the period during which the Bank loans are granted has not been committed shall be made available again under the grants from which it was derived.

The Council, acting on a proposal from the Commission, drawn up in agreement with the Bank, may decide unanimously to increase that ceiling.

Article 5

With the exception of loans granted by the Bank from its own resources, all financial operations undertaken for the benefit of the ACP States or the OCT in accordance with the Convention or the Decision shall be carried out under the conditions laid down in this Agreement and shall be charged to the Fund.

Article 6

1. Each year the Commission, taking account of the Bank's estimates concerning those operations administered by it, shall establish and communicate to the Council before 1 November a statement of the payments to be made in the following budget year and a schedule of calls for contributions. The Council shall decide thereon by the qualified majority laid down in Article 21(4). The detailed rules for payment of contributions by the Member States shall be determined by the Financial Regulation referred to in Article 32.

2. Together with its annual estimates of contributions, the Commission shall send the Council its estimates of expenditure, including those relating to the previous Funds, for each of the four years following the year relating to the call for contributions.

3. Should the contributions prove insufficient to meet the Fund's actual needs in the financial year in question, the Commission shall submit proposals for supplementary payments to the Council which shall take a decision, as soon as possible, by the qualified majority provided for in Article 21(4).

Article 7

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. On expiry of this Agreement, Member States shall still be obliged to pay, as provided in Article 6 and in the Financial Regulation referred to in Article 32, the portion of their contributions not yet called for.

Article 8

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 with its own resources in implementation both of Article 1 of the Second Financial Protocol annexed to the Convention and the corresponding provisions of the Decision and, where appropriate, Articles 104 and 109 of the Convention.

2. The guarantee referred to in paragraph 1 shall be restricted to 75 % of the total amount of the credits opened by the Bank under all the loan contracts; it shall be applied to cover all risks.

3. Notwithstanding the overall guarantee referred to in paragraphs 1 and 2 of this Article, the Member States may, with regard to financial commitments pursuant to Articles 104 and 109 of the Convention, act as guarantor for the Bank, in specific cases and at the latter's request, in respect of a percentage greater than 75 % and up to 100 % of the credits opened by the Bank under the corresponding loan contracts.

4. The undertakings arising from paragraphs 1, 2 and 3 shall be the subject of guarantee contracts between each Member State and the Bank.

Article 9

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

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

2. Without prejudice to Article 192 of the Convention, the revenue accruing from interest on the funds deposited with the paying agents in Europe referred to in Article 319(4) of the Convention shall be credited to one or more bank accounts opened in the name of the Commission. After the EDF Committee referred to in Article 21, acting by a qualified majority, has delivered its opinion, the Commission shall use such revenue:

- to cover the administrative and financial costs arising from the cash management of the fund,
- for limited-budget, short-term studies or consultancy services, in particular in order to strengthen its own capabilities in the area of the analysis, diagnosis and formulation of structural adjustment policies,
- for limited-budget, short-term audits and assessments,
- for limited-budget, short-term studies or consultancy services during the finalisation of financing proposals.

However, acting on a Commission proposal, the Council may decide by the qualified majority laid down in Article 21(4) to use the revenue referred to in this Article for purposes other than those provided for in paragraph 2.

CHAPTER II

Article 10

1. Subject to Articles 22, 23 and 24 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 in the Financial Regulation referred to in Article 32.

2. Subject to Articles 28 and 29, 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 32.

Article 11

The Commission shall ensure that the aid policy defined by the Council is implemented as well as the guidelines for development finance cooperation defined by the ACP-EC Council of Ministers pursuant to Article 325 of the Convention.

Article 12

1. The Commission and the Bank shall provide each other periodically with information on the requests made to them for finance and on preliminary contacts made with them, before their requests were submitted, by the relevant bodies of the ACP States, the OCT, or other recipients of aid as provided for in Article 230 of the Convention and in the corresponding provisions of the Decision.

2. The Commission and the Bank shall keep each other informed of the progress made in appraising requests for finance. They shall exchange all general information in order to promote the harmonisation of administrative procedures and of the course to be followed in their proceedings from a development policy viewpoint and also the assessment of requests.

Article 13

1. The Commission shall appraise projects and programmes which, pursuant to Article 233 of the Convention and the corresponding provisions of the Decision, could be financed by grants from the Fund's resources.

The Commission shall also appraise requests for transfers pursuant to Part Three, Title II, Chapter 1 of the Convention and the corresponding provisions of the Decision, together with projects and programmes eligible for the special financing facility pursuant to Part Three, Title II, Chapter 3 of the Convention and the corresponding provisions of the Decision.

2. The Bank shall appraise projects and programmes which, pursuant to its Statute, Articles 233 and 236 of the Convention and the corresponding provisions of the Decision, could be financed by loans from its own resources with interest rate subsidies, or by risk capital.

3. Production projects and programmes which come under the industrial, agroindustrial, tourism, mining or energy sectors, and transport and telecommunications schemes linked to those sectors, shall be presented to the Bank, which shall examine whether they are eligible for one of the forms of aid 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 the project or programme could not be financed by one of the forms of aid administered by the institution in question, the latter shall, having informed the potential recipient, transmit the request to the other institution.

Article 14

Without prejudice to general instructions which the Bank receives from the Community in respect of the recovery of principal and interest relating to special loans and operations under the special financing facility of the previous Conventions, 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, transfers or the special financing facility; it shall make payments in accordance with the Financial Regulation referred to in Article 32.

Article 15

1. 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 this context, the Bank shall act on behalf and at the risk of the Community. Any resulting rights, and particularly rights as creditor or owner, shall be vested in the Community.

2. The Bank shall undertake the financial execution of operations carried out by means of loans from its own resources combined with interest rate subsidies from the Fund's resources.

CHAPTER III

Article 16

1. In order to ensure transparency and consistency between cooperation operations and improve complementarity between them and the Member States' bilateral aid, the Commission shall communicate to the Member States and their representatives on the spot the notes identifying projects as soon as the decision to appraise them has been taken. The Commission shall subsequently update these notes and notify the Member States thereof.

2. With the same objective of transparency, consistency and complementarity, the Member States and the Commission shall periodically send each other updated statements of the development aid they have granted or intend to grant. Moreover, particularly in the priority areas on which the Council has adopted specific resolutions on policy coordination, the Member States and the Commission shall carry out systematic exchanges of information and views on their policies and strategies for each recipient country and shall, wherever desirable and possible, agree on common sectoral guidelines on a country-by-country basis, by means of regular meetings between the Commission and Member State representations on the spot, bilateral contacts or meetings of Member State and Commission experts and in the context of the proceedings of the EDF Committee referred to in Article 21, which must play a central role in this process.

3. The Member States and the Commission shall also communicate to each other, by means of regular meetings between the Commission and Member State representations on the spot, bilateral contacts or meetings of Member State and Commission experts and in the context of the proceedings of the EDF Committee referred to in Article 21, any information they possess on other bilateral, regional or multilateral aid granted to or envisaged for ACP States.

4. The Bank shall regularly and confidentially inform the representatives of the Member States and of the Commission designated by name of any projects for the benefit of the ACP States which it intends to appraise.

Article 17

1. The programming provided for in Article 281 of the Convention shall be undertaken in each ACP State under the responsibility of the Commission and with the participation of the Bank.

2. In order to prepare the programming, the Commission, in the context of greater coordination with

the Member States, in particular those represented on the spot, and in conjunction with the Bank, shall undertake an economic and social analysis of each ACP State's economic and social situation so that constraints on and viable prospects for development can be identified and, on that basis, the appropriate policies assessed.

3. The analysis referred to in paragraph 2 shall also concern sectors in which the Community is particularly active and those for which a request for Community support may be envisaged account being taken of the priorities for the Community's cooperation policy; national macroeconomic and sectoral policies and their effectiveness, aid from other donors, especially from the Member States; the interdependence between sectors; and a detailed assessment of past Community aid and of the lessons learned therefrom.

4. On the basis of the analysis referred to in paragraph 2, the Commission shall prepare a summary document on its cooperation strategy for each country and region in which it shall propose a Community aid strategy.

Article 18

1. This document shall be examined by the representatives of the Member States, the Commission and the Bank, within the EDF-Committee referred to in Article 21, in order to assess the general framework of the Community's cooperation with each ACP State and to ensure, as far as possible, consistency and complementarity between Community aid and aid from the Member States. The Bank, for its part, shall indicate the possible total of its proposed allocation to the ACP State.

2. On the basis of this examination and of the proposals made by the ACP State concerned, exchanges of views shall be held between the latter, the Commission and the Bank, for the part concerning it, pursuant to Article 282 of the Convention, to draw up the indicative programme of Community aid.

3. The indicative programme of Community aid for each ACP State shall be forwarded to the Member States so that an exchange of views can take place between the representatives of the Member States and the Commission. This exchange of views shall be held if the Commission or one or more Member States so request.

4. The provisions of Article 17 and of this Article relating to national programming shall apply, *mutatis mutandis*, to regional programming on the basis of Article 160 of the Convention.

Article 19

1. Notwithstanding the possibility provided for in Article 282(3) for the ACP State to request a revision of the indicative programme, this programme shall be revised in accordance with Article 282(3) no later than three years after the entry into force of the Second Financial Protocol or when the total amount of financing decisions taken in the context of the ACP State's indicative programme has reached 80 % of the first instalment of the indicative allocation, provided that level is reached before the end of the aforesaid three-year period.

2. Following the mid-term review of an ACP State's indicative programme, and taking into account the factors referred to in Article 282(4) of the Convention, the Commission shall assess the actual needs of the ACP State in terms of financial commitments up to the end of the period of the Second Financial Protocol to the Convention. The Commission shall decide, case by case, on the allocation and level of a second instalment of the indicative programme following an exchange of views with the Member States in the EDF Committee pursuant to Article 23, on the basis of a summary document from the Commission departments.

Article 20

1. The provisions of the Convention relating to adjustment support shall be implemented on the basis of the following principles:

- (a) when analysing the situation of the States concerned, the Commission, using a diagnostic method based on the indicators listed in Article 246 of the Convention, shall assess the scope and effectiveness of the reforms undertaken or contemplated in the areas covered by that Article, in particular monetary, budgetary and fiscal policies;
- (b) support given for structural adjustment must relate directly to operations and measures adopted by the State concerned in connection with that adjustment;
- (c) the procedures applying in the award of contracts must be sufficiently flexible to adapt to the normal administrative and commercial procedures in the ACP States concerned;
- (d) subject to subparagraph (c), where import programmes apply, each structural adjustment support programme shall specify, for imports, the tendering system, together with the values of import

orders determining the choice of the two forms of invitation to tender:

- international invitation to tender,
- direct agreement.

However, normal public tendering procedures shall be followed for imports by the State or quasi-public bodies;

- (e) at the request of the ACP State concerned and after consultation with that State, technical assistance shall be made available to the ACP body responsible for implementing the programme.

When technical assistance is negotiated, the Commission shall ensure that such technical assistance is responsible for:

- supervising the operational aspects of the programme,
- ensuring that imports are procured on the best quality/price terms following the widest possible consultations with ACP and EC suppliers,
- advising importers, whenever technically possible and economically justified, on how to extend their markets.

Such technical assistance personnel may, if necessary, assist importers who so desire to combine their orders where the goods to be imported are homogeneous, and thus obtain a better quality/price ratio;

- (f) direct budgetary support must be entirely consistent with the macroeconomic and budgetary framework as an element of the overall reform programme and must be subject to the usual exceptions applied in the framework of the general and sectoral import programmes. In particular, assistance must not be used to support expenditure for military purposes.

2. The Commission shall inform the Member States, as the need arises and at least once a year, of the implementation of the adjustment support programmes and of any problem with regard to maintaining eligibility. The information provided, accompanied by all necessary particulars including statistical data, shall cover, in particular, the proper application of the agreement concluded with the ACP body responsible for implementing the programme, including the provisions relating to the consultations referred to in the second indent of the second subparagraph of paragraph 1(e). On the basis of this information, the progress of import programmes and coordination with other donors, the Council, acting by the qualified majority provided for in Article 21(4) on a proposal from the Commission, may adjust the arrangements for implementing the programmes, as specified in paragraph 1.

CHAPTER IV

Article 21

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, for the Fund resources it administers.

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	9
Denmark	5
Germany	50
Greece	4
Spain	13
France	52
Ireland	2
Italy	27
Luxembourg	1
Netherlands	12
Austria	6
Portugal	3
Finland	4
Sweden	6
United Kingdom	27

4. The EDF Committee shall act by a qualified majority of 145 votes, expressing a vote in favour by at least eight Member States.

5. The weightings laid down in paragraph 3 and the qualified majority mentioned in paragraph 4 shall be amended, by a decision of the Council, acting unanimously, in the case referred to in Article 1(2)(b).

Article 22

1. The EDF Committee shall focus its work on the substantive problems of cooperation on a country-by-country basis and seek appropriate coordination of the approaches and operations of the Community and its Member States in the interests of consistency and complementarity.

2. The Committee's tasks shall cover three levels:

- programming of Community aid,
- monitoring the implementation of Community aid, including sectoral aspects,
- the taking of decisions.
- evaluations of Community aids when they give rise to issues relating to the work of the EDF Committee.

Article 25

Article 23

With regard to programming, the purpose of the examination referred to in Article 18(1) and of the exchanges of views provided for in Articles 18(3) and 19(2) shall be to reach the desirable consensus between the Commission and the Member States. The examination and exchanges of views shall take place within the EDF Committee and shall concern:

- the general framework of Community cooperation with each ACP State, in particular the proposed focal sectors and the measures envisaged to attain the objectives set for those sectors and the general guidelines proposed for the implementation of regional cooperation,
- consistency and complementarity between Community aid and aid from the Member States.

If it is not possible to reach the consensus referred to in the first paragraph, and at the request of a Member State or the Commission, the EDF Committee will also give its opinion acting by a qualified majority in accordance with the procedure laid down in Article 21.

Article 24

With regard to the monitoring of the implementation of cooperation, the EDF Committee shall discuss:

- development policy problems and any problem of a general and/or sectoral nature which might result from the implementation of the various projects or programmes financed from the resources administered by the Commission, account being taken of the Member States' experience and operations,
- the approach of the Community and the Member States to the adjustment support given to the States concerned, including the question of the use of counterpart funds,
- any changes which might appear necessary in the indicative programmes or in adjustment support,
- mid-term reviews where requested by the EDF Committee when approving financing proposals for particular projects or programmes,

1. With regard to the decision-making process, the EDF Committee shall give its opinion, by the qualified majority laid down in Article 21, on:

- (a) the eligibility of the ACP States for resources to support structural adjustment, except in cases where, under Article 246(2) of the Convention, such eligibility is automatic;
- (b) financing proposals for projects or programmes with a value greater than ECU 2 million, according to a written procedure or a standard procedure, the detailed arrangements for which shall be determined in the rules of procedure referred to in Article 21(2);
- (c) financing proposals relating to adjustment support or to the special financing facility (Sysmin), irrespective of the amount involved;
- (d) financing proposals drawn up under Article 9(2) (use of interest).

2. The Commission is authorised to approve operations with a value less than ECU 2 million without seeking the EDF Committee's opinion.

3. (a) The Commission is also authorised in the circumstances provided for in (b), to approve, without seeking the EDF Committee's opinion, the additional commitments required to cover expected or actual overspending under a project or programme referred to in paragraphs 1(b) and 2, to cover additional financing requirements for structural adjustment tranches which are the subject of the proposals referred to in paragraph 1(c), where the overspending or additional amount required does not exceed 20 % of the initial commitment fixed in the financing decision.

(b) Where the additional commitment referred to in (a) is under ECU 4 million, the EDF Committee shall be informed of the Commission's decision. Where the additional commitment referred to in

(a) exceeds ECU 4 million but is under 20 % of the initial commitment, the EDF Committee's opinion shall be sought under simplified, expedited procedures to be laid down, on the basis of Commission proposals, when the Rules of Procedure of the EDF Committee are adopted.

4. The financing proposals shall indicate in particular the relevance of the projects or programmes to the development prospects of the country or countries concerned and how they fit in with the sectoral or macroeconomic policies receiving Community support. They shall mention the use to which such countries have put previous Community aid in the same sector and indicate any existing project evaluations for that sector.

5. Financing proposals concerning structural adjustment shall specify, *inter alia*, the items to which budgetary assistance is allocated, whether directly or indirectly.

6. In order to speed up the procedures, financing proposals may cover overall amounts for the financing of:

- (a) training;
- (b) decentralised cooperation;
- (c) micro-projects;
- (d) trade promotion and development;
- (e) packages of small-scale operations in a specific sector;
- (f) technical cooperation.

Article 26

1. If the EDF Committee requests substantial changes to one of the proposals referred to in Article 25(1), or in the absence of a favourable opinion on the proposal, the Commission shall consult the representatives of the ACP State or States concerned.

Following such consultations, the Commission shall communicate the results to the Member States at the next meeting of the EDF Committee.

2. Following the consultations referred to in paragraph 1, the Commission may submit a revised or extended proposal to the EDF Committee at one of its subsequent meetings.

3. If the EDF Committee still refuses to deliver a favourable opinion, the Commission shall inform the ACP State or States concerned, which may then request either:

- that the matter be brought before the ACP-EC Ministerial Committee referred to in Article 325 of the Convention (hereinafter called 'the Development Finance Cooperation Committee'), or
- that it or they be given a hearing by the Community's decision-making bodies, on the conditions set out in Article 27(2).

Article 27

1. The proposals referred to in Article 25(1), together with the opinion of the EDF Committee, shall be submitted to the Commission for its decision.

2. If the Commission decides to depart from the opinion expressed by the EDF Committee or if the Committee has not delivered a favourable opinion, the Commission shall either withdraw the 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 within a period which, as a general rule, may not exceed two months.

In the latter case, where a financing proposal is involved, the ACP State concerned may, if it has not decided to refer the matter to the Development Finance Cooperation Committee, forward to the Council, in accordance with Article 289(3) of the Convention, any additional information it considers necessary before the final decision is taken, and may be heard by the President and the members of the Council.

Article 28

1. A committee (hereinafter called 'the Article 28 Committee') consisting of representatives of the Governments of the Member States shall be set up under the auspices of the Bank.

The Article 28 Committee shall be chaired by the representative of the Member State currently chairing 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 28 Committee.

3. The weighting of the votes of the Member States and the qualified majority applicable to the Article 28 Committee shall be those resulting from the application of Article 21(3), (4) and (5).

Article 29

1. The Article 28 Committee shall deliver an opinion by qualified majority 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 the conformity of the projects with Community development aid policy, with the objectives of financial and technical cooperation laid down by the Convention and with the general guidelines adopted by the ACP-EC Council of Ministers.

The Committee may also, if requested by the Bank, or, with its agreement, by one or more Member States,

- examine questions of development policy, inasmuch as they are directly connected with Bank activities in the framework of the project,
- hold exchanges of views on the practical ideas of the Bank and the Member States as regards the funding of projects from the coordination angle,
- discuss questions arising from the evaluations of the Bank's activities provided for in Article 30(6).

2. The document submitted to the Article 28 Committee by the Bank shall, in particular, explain the relevance of the project to the development prospects of the country or countries concerned and, where appropriate, indicate the situation as regards repayable aid granted by the Community and holdings acquired by it and the use made of previous aid in the same sector; any existing project evaluations for that sector shall be attached.

3. Where that Article 28 Committee delivers a favourable opinion in respect of a request for a loan with an interest rate subsidy, the request, together with the reasoned opinion of the Committee and, where appropriate, 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 Bank's Statute.

In the absence of a favourable opinion from the Committee, the Bank shall either withdraw the request or

decide to uphold it. In the latter event, the request, together with the reasoned opinion of the Committee and, where appropriate, the assessment given by the Commission representative, shall be submitted for a decision to the Bank's Board of Directors, which shall act in accordance with the Bank's Statute.

4. Where the Article 28 Committee delivers a favourable opinion in respect of a proposal for financing by risk capital, the proposal shall be submitted for a decision to the Bank's Board of Directors, which shall act in accordance with the Bank's Statute.

In the absence of a favourable opinion from the Committee, the Bank, in accordance with Article 289(2) and (3) of the Convention, shall inform the representatives of the ACP State or States concerned, who may request either:

- that the matter be referred to the Development Finance Cooperation Committee, or
- that they be given a hearing by the competent body of the Bank.

At the end of that hearing the Bank may either:

- decide not to follow up the proposal, or
- request that the Member State chairing the Article 28 Committee refer the matter to the Council as soon as possible.

In the latter case, the proposal shall be submitted to the Council together with the opinion of the Article 28 Committee and, where appropriate, the assessment of the Commission representative and any further information which the ACP State concerned considers the Council requires.

The Council shall act in accordance with the same voting procedure as the Article 28 Committee.

If the Council confirms the Article 28 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 laid down in its Statute.

Article 30

1. The Commission and the Bank shall ascertain, each to the extent to which it is concerned, how the Community aid they administer is used by the ACP States, the OCT or any other recipients.

2. The Commission and the Bank shall also ascertain, each to the extent to which it is concerned 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 Articles 220 and 221 of the Convention and in the corresponding provisions of the Decision have been attained.

4. The Bank shall regularly send the Commission all information relating to the implementation of projects financed from the Fund resources it administers.

5. The Commission and the Bank shall inform the Council, on the expiry of the Financial Protocol annexed to the Convention, of their findings pursuant to paragraphs 1, 2 and 3. The report by the Commission and the Bank shall also contain an assessment of the impact of Community aid on the economic and social development of the recipient countries.

6. The Council shall be informed periodically of the results of work done by the Commission and the Bank on the evaluation of projects being carried out or completed, particularly in relation to development objectives set.

CHAPTER V

Article 31

1. The amounts of the Stabex transfers referred to in Part Three, Title II, Chapter 1 of the Convention and in the corresponding provisions of the Decision shall be expressed in ecus.

2. Payments shall be made in ecus.

3. Each year the Commission shall draw up a comprehensive report for the Member States on the operation of the system for the stabilisation of export earnings and the use made by the ACP States of the funds transferred.

The report shall indicate in particular the effects of the transfers made on the development of the sectors to which they were allocated.

4. Paragraph 3 shall also apply as regards the OCT.

CHAPTER VI

Article 32

The provisions for implementing this Agreement shall be the subject of a Financial Regulation adopted, on the entry into force of the Agreement amending the Fourth ACP-EC Convention, by the Council, acting by the qualified majority laid down in Article 21(4), on the basis of a Commission draft, after an opinion has been delivered by the Bank on the provisions of concern to it and by the Court of Auditors established under Article 188a et seq. of the Treaty.

Article 33

1. At the end 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 5, the Court of Auditors shall also exercise its powers in respect of the Fund's operations. The conditions under which the Court exercises its powers shall be laid down in the Financial Regulation referred to in Article 32.

3. The discharge for the financial management of the Fund shall be given to the Commission by the European Parliament on the recommendation of the Council, which shall act by the qualified majority laid down in Article 21(4).

4. The Commission shall make the information referred to in Article 30(4) available to the Court of Auditors so that the latter may, on the basis of the documentary evidence, carry out checks on the aid provided from the Fund's resources.

5. The operations financed from the Fund resources managed by the Bank shall be subject to the control and discharge procedure 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 Fund resources managed by the Bank.

6. The Commission shall draw up periodically, in agreement with the Bank, lists of the information it receives from the latter in order to assess how the Bank is carrying out its brief and to encourage close coordination between the Commission and the Bank.

Article 34

1. Without prejudice to the transfers referred to in Article 1(2)(a)(ii):

- the remaining balance of the Fund set up under the internal agreement of 1975 on the financing and administration of Community aid shall continue to be administered as provided in that agreement and in accordance with the rules and regulations in force on 28 February 1980,
- the remaining balance of the Fund set up under the internal agreement of 1979 on the financing and administration of Community aid shall continue to be administered as provided in that agreement and in accordance with the rules and regulations in force on 28 February 1985,
- the remaining balance of the Fund set up under the internal agreement of 1985 on the financing and administration of Community aid shall continue to be administered as provided in that agreement and in accordance with the rules and regulations in force on 28 February 1990,
- the remaining balance of the Fund set up under the internal agreement of 1990 on the financing and administration of Community aid shall continue to be administered as provided in that agreement and in accordance with the rules and regulations in force on 28 February 1995.

2. In the event of successful completion of projects financed from the Funds referred to in paragraph 1 being jeopardised by a lack of resources owing to the remaining balance being used up, proposals for

additional financing may be submitted by the Commission in accordance with the procedure laid down in Article 21.

Article 35

1. 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 General Secretariat of the Council of the European Union when the procedures required for the entry into force of this Agreement have been completed.

2. This Agreement is concluded for the same duration as the Second Financial Protocol annexed to the Convention. However, it shall remain in force for as long as is necessary for all the operations financed under the Convention and the Protocol to be fully executed.

Article 36

This Agreement, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union, which shall transmit a certified copy to each of the Governments of the signatory States.

En fe de lo cual, los representantes de los Gobiernos de los Estados miembros, reunidos en el seno del Consejo, abajo firmantes, suscriben el presente Acuerdo.

Til bekræftelse heraf har repræsentanterne for Det Europæiske Fællesskabs medlemsstater, forsamlet i Rådet, underskrevet denne aftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten der im Rat vereinigten Regierungen der Mitgliedstaaten ihre Unterschriften unter dieses Abkommen gesetzt.

Σε πίστωση των οποίων, οι υπογράφοντες αντιπρόσωποι των κυβερνήσεων των κρατών μελών, συνελθόντες στα πλαίσια του Συμβουλίου, έθεσαν την υπογραφή τους κάτω από την παρούσα συμφωνία.

In witness whereof, the undersigned representatives of the Governments of the Member States, meeting within the Council, have hereunto set their hands.

En foi de quoi, les représentants des gouvernements des États membres, réunis au sein du Conseil, soussignés, ont apposé leurs signatures au bas du présent accord.

In fede di che i sottoscritti rappresentanti dei governi degli Stati membri, riuniti in sede di Consiglio, hanno apposto le loro firme in calce al presente accordo.

Ten blijke waarvan de ondergetekende vertegenwoordigers van de regeringen van de onderteke-nende lidstaten, in het kader van de Raad bijeen, hun handtekening onder dit Akkoord hebben gesteld.

Em fé do que, os representantes dos Governos dos Estados-membros, reunidos no Conselho, apuseram as suas assinaturas no final do presente acordo.

Tämän vakuudeksi alla mainitut neuvostossa kokoontuneet jäsenvaltioiden hallitusten edustajat ovat allekirjoittaneet tämän sopimuksen.

Till bevis härpå har företrädarna för medlemsstaternas regeringar, församlade i rådet, under-tecknat detta avtal.

Hecho en Bruselas, el veinte de diciembre de mil novecientos noventa y cinco.

Udfærdiget i Bruxelles, den tyvende december nitten hundrede og femoghalvfems.

Geschehen zu Brüssel am zwanzigsten Dezember neunzehnhundertfünfundneunzig.

Έγινε στις Βρυξέλλες, στις είκοσι Δεκεμβρίου χίλια εννιακόσια ενενήντα πέντε.

Done at Brussels on the twentieth day of December in the year one thousand nine hundred and ninety-five.

Fait à Bruxelles, le vingt décembre mil neuf cent quatre-vingt-quinze.

Fatto a Bruxelles, addì venti dicembre millenovecentonovantacinque.

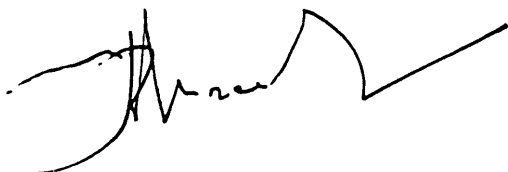
Gedaan te Brussel, de twintigste december negentienhonderd vijfennegentig.

Feito em Bruxelas, em vinte de Dezembro de mil novecentos e noventa e cinco.

Tehty Brysselissä kahdentenakymmenentenä päivänä joulukuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäviisi.

Som skedde i Bryssel den tjugonde december nittonhundra nittiofem.

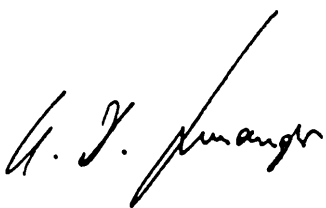
Pour le Royaume de Belgique
Voor het Koninkrijk België
Für das Königreich Belgien



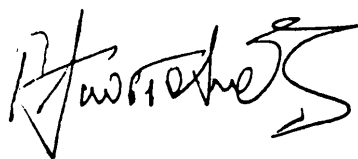
På Kongeriget Danmarks vegne



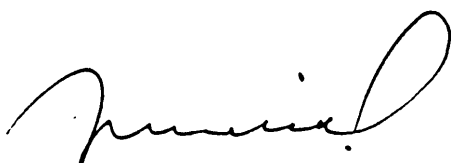
Für die Bundesrepublik Deutschland



Για την Ελληνική Δημοκρατία



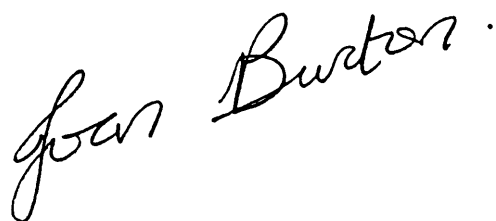
Por el Reino de España



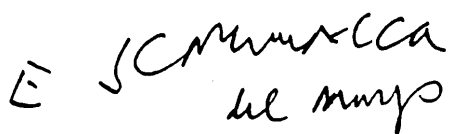
Pour la République française



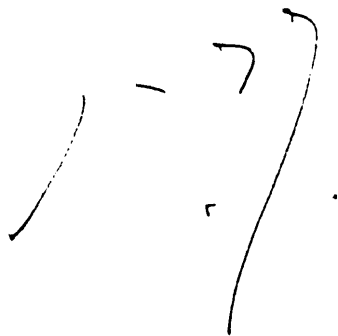
Thar ceann na hÉireann
For Ireland



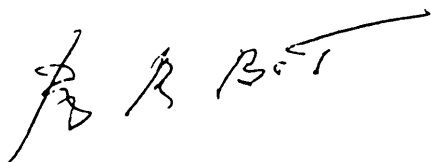
Per la Repubblica italiana



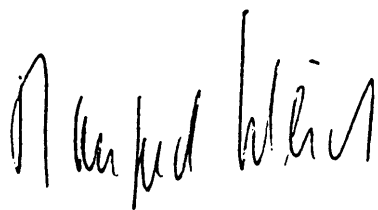
Pour le Grand-Duché de Luxembourg



Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



Pela República Portuguesa



Suomen tasavallan puolesta

Paul Heller

För Konungariket Sverige

पुष्प-सुखी

For the United Kingdom of Great Britain and Northern Ireland

Chatter of walking