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**COUNCIL DECISION****of 29 September 1970****on the conclusion of the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community****(70/539/EEC)****(Only the Dutch, French, German and Italian texts of this Convention are authentic)****THE COUNCIL OF THE EUROPEAN COMMUNITIES,****Having regard to the Treaty establishing the European Economic Community;****Having regard to the Convention of Association between the European Economic Community and the African States and Madagascar associated with that Community, signed at Yaoundé on 29 July 1969;****Having consulted the European Parliament on 9 December 1969<sup>1</sup>,****HAS DECIDED:***Article 1*

The Convention of Association between the European Economic Community and the African States and Madagascar associated with that Community, the 10 Protocols attached thereto and the annexes to the Final Act, signed at Yaoundé on 29 July 1969, are concluded, approved and confirmed on behalf of the Community.

*Article 2*

The President of the Council shall notify this Decision in accordance with Article 58 of the Convention.

Done at Brussels, 29 September 1970.

*For the Council**The President***S. von BRAUN**

<sup>1</sup> OJ No C2, 8.1.1970, p. 4.

## TABLE OF CONTENTS

CONVENTION OF ASSOCIATION		Page
Preamble	.....	7
Title I	Trade .....	9
Title II	Financial and technical cooperation .....	12
Title III	Right of establishment, services, payments and capital movements .....	14
Title IV	The institutions of the Association .....	15
Title V	General and Final Provisions .....	17
PROTOCOLS		
Protocol No 1	on the application of Article 2 (2) of the Convention of Association .....	20
Protocol No 2	on the application of Article 3 of the Convention of Association .....	20
Protocol No 3	on the application of Article 7 of the Convention of Association .....	21
Protocol No 4	on the application of the Convention of Association and the conclusion of international agreements on the granting of generalized preferences .....	22
Protocol No 5	on measures to be taken by the High Contracting Parties concerning their mutual interests, in particular in respect of tropical products .....	22
Protocol No 6	on the administration of Community aid .....	22
Protocol No 7	on the value of the unit of account .....	25
Protocol No 8	on the Statute of the Arbitration Court of the Association .....	26
Protocol No 9	on privileges and immunities .....	28
Protocol No 10	on the operating expenditure of the institutions of the Association .....	30

# **CONVENTION OF ASSOCIATION**

**between the European Community and the African States and Madagascar  
associated with the Community**

**(70/540/EEC)**

## **PREAMBLE**

His Majesty the King of the Belgians,  
The President of the Federal Republic of Germany,  
The President of the French Republic,  
The President of the Italian Republic,  
His Royal Highness the Grand Duke of Luxembourg,  
Her Majesty the Queen of the Netherlands,

contracting Parties to the Treaty establishing the European Economic Community signed at Rome on 25 March 1957 (hereinafter called the 'Treaty'), whose States are hereinafter called 'Member States', and

The Council of the European Communities,  
of the one part, and  
The President of the Republic of Burundi,  
The President of the Federal Republic of Cameroon,  
The President of the Central African Republic,  
The President of the Republic of Chad,  
The President of the Democratic Republic of the Congo,  
The President of the Republic of the Congo (Brazzaville), Head of State,  
The President of the Republic of Dahomey,  
The President of the Gabonese Republic,  
The President of the Republic of the Ivory Coast,  
The President of the Malagasy Republic,  
The Head of State of the Republic of Mali,  
The President of the Islamic Republic of Mauritania,  
The President of the Republic of Niger,  
The President of the Republic of Rwanda,  
The President of the Republic of Senegal,  
The President of the Somali Republic,  
The President of the Republic of Togo,  
The President of the Republic of Upper Volta,

whose States are hereinafter called 'Associated States',

of the other part,

Having regard to the Treaty establishing the European Economic Community;

Reaffirming accordingly their desire to maintain their association;

Desiring to demonstrate their common desire for cooperation on the basis of complete equality and friendly relations while respecting the principles of the United Nations Charter;

Resolved to develop economic relations between the Associated States and the Community;

Resolved to pursue their efforts together for the economic, social and cultural progress of their countries;

Anxious to diversify the economies and to further the industrialization of the Associated States to enable them to strengthen their economic stability and independence;

Conscious of the importance of the development of intra-African cooperation and trade and of international economic relations;

Noting that the Convention of Association signed at Yaoundé on 20 July 1963 has expired;

Have decided to conclude a new Convention of Association between the Community and the Associated States;

and to this end have designated as Plenipotentiaries:

**HIS MAJESTY THE KING OF THE BELGIANS:**

Mr Charles Hanin, Minister for Middle Class Affairs;

**THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:**

Mr Gerhard Jahn, Parliamentary Secretary of State, Ministry for Foreign Affairs;

**THE PRESIDENT OF THE FRENCH REPUBLIC:**

Mr Yvon Bourges, Secretary of State for Foreign Affairs;

**THE PRESIDENT OF THE ITALIAN REPUBLIC:**

Mr Mario Pedini, Under-Secretary of State for Foreign Affairs;

**HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:**

Mr Albert Borschette, Ambassador Extraordinary and Plenipotentiary;

**HER MAJESTY THE QUEEN OF THE NETHERLANDS:**

Mr Joseph M.A.H. Luns, Minister for Foreign Affairs;

**THE COUNCIL OF THE EUROPEAN COMMUNITIES:**

Mr Joseph M.A.H. Luns, President in Office of the Council of the European Communities;

Mr Jean Rey, President of the Commission of the European Communities;

**THE PRESIDENT OF THE REPUBLIC OF BURUNDI:**

Mr Lazare Ntawurishira, Minister for Foreign Affairs and Cooperation;

**THE PRESIDENT OF THE FEDERAL REPUBLIC OF CAMEROON:**

Mr Vincent Efon, Minister for Planning and Development;

**THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC:**

Mr Louis Alazoula, Minister for Industry, Mining and Geology;

**THE PRESIDENT OF THE REPUBLIC OF CHAD:**

Mr Abdoulaye Lamana, Minister for Economic Affairs, Finance and Transport;

**THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO:**

Mr Crispin Kasasa, Deputy Minister for Foreign Affairs,

responsible for External Trade;

**THE PRESIDENT OF THE REPUBLIC OF THE CONGO (BRAZZAVILLE), HEAD OF STATE:**

Mr Charles Sianard, Minister for Finance and Economic Affairs;

**THE PRESIDENT OF THE REPUBLIC OF DAHOMEY:**

Mr Daouda Badarou, Minister for Foreign Affairs;

**THE PRESIDENT OF THE GABONESE REPUBLIC:**

Mr Emile Kassa Mapsi, Minister of State in charge of the Gabonese Embassy to the Benelux countries and to the European Communities;

**THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST:**

Mr Konan Bedie, Minister for Economic and Financial Affairs;

**THE PRESIDENT OF THE MALAGASY REPUBLIC:**

Mr Jacques Rabemananjara, Minister of State for Foreign Affairs;

**THE HEAD OF STATE OF THE REPUBLIC OF MALI:**

Mr Jean-Marie Kone, Minister of State for Foreign Affairs and Cooperation;

**THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA:**

Mr Mokhtar Ould Haiba, Minister for Planning;

**THE PRESIDENT OF THE REPUBLIC OF NIGER:**

Mr Alidou Barkire, Minister for Economic Affairs, Trade and Industry;

**THE PRESIDENT OF THE REPUBLIC OF RWANDA:**

Mr Sylvestre Nsanzimana, Minister for Trade, Mining and Industry;

**THE PRESIDENT OF THE REPUBLIC OF SENEGAL:**

Mr Jean Collin, Minister of Finance;

**THE PRESIDENT OF THE SOMALI REPUBLIC:**

Mr Elmi Ahmed Duale, Minister of State for Foreign Affairs;

**THE PRESIDENT OF THE REPUBLIC OF TOGO:**

Mr Paulin Eklou, Minister for Trade, Industry, Tourism and Planning;

**THE PRESIDENT OF THE REPUBLIC OF UPPER VOLTA:**

Mr Pierre-Claver Damiba, Minister for Planning and Public Works;

Who, having exchanged their Full Powers, found in good and due form,

**HAVE AGREED AS FOLLOWS:**

**Article 1**

The object of the provisions of this Convention is to promote cooperation between the Contracting Parties so as to further the economic and social development of the Associated States by increasing their trade and by implementing measures of financial intervention and technical cooperation.

By means of these provisions the Contracting Parties intend to expand their economic relations, strengthen the economic structure and economic independence of the Associated States and promote their industrialization, encourage African regional cooperation and contribute to the advancement of international trade.

**TITLE I**

**TRADE**

**Chapter I**

**Customs duties and quantitative restrictions**

customs duties and charges having equivalent effect, but the treatment applied to these products shall not be more favourable than that applied by the Member States among themselves.

**Article 2**

1. Products originating in the Associated States shall, on importation into the Community, be admitted free of

2. Paragraph 1 shall not, however, prejudice the import treatment applied to:

- such products listed in Annex II to the Treaty as come under a common organization of the market within the meaning of Article 40 of the Treaty;
- products subject, on importation into the Community, to specific rules as a consequence of the implementation of the common agricultural policy.

Protocol No 1 to this Convention sets out the conditions under which the Community, notwithstanding the general treatment in force in relation to third countries, shall determine the treatment to be applied to the products referred to above, when such products originate in the Associated States.

3. Consultations may be held within the Council of Association regarding the conditions of application of this Article.

#### *Article 3*

1. Imports of products originating in the Community shall be admitted into each Associated State free of customs duties and charges having equivalent effect.
2. Each Associated State may, however, maintain or introduce, in accordance with Protocol No 2 to this Convention, customs duties and charges having equivalent effect required to meet their development needs or intended to contribute to their budgets.
3. Each Associated State shall grant the same treatment to products originating in each of the Member States.
4. At the request of the Community, consultations shall be held within the Council of Association regarding the conditions of application of this Article.

#### *Article 4*

1. Where an Associated State levies duties on exports of its products to Member States, these duties may not give rise, in law or in fact, to any direct or indirect discrimination between Member States.
2. If the application of such duties leads to serious disturbances in the conditions of competition, consultations shall be held within the Council of Association without prejudice to the application of Article 16 (2).

#### *Article 5*

Without prejudice to the special provisions laid down in this Convention, each Contracting Party shall refrain from any internal fiscal measure or practice that directly or indirectly leads to discrimination between its own products and like products originating in the territory of the other Contracting Parties.

#### *Article 6*

1. The Community shall not apply to imports of products originating in the Associated States any quantitative

restrictions or measures having equivalent effect other than those that the Member States apply among themselves.

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

3. At the request of an Associated State, there shall be consultations within the Council of Association regarding the conditions of application of this Article.

#### *Article 7*

1. Subject to the provisions of this Article, the Associated States shall refrain from applying any quantitative restrictions or measures having equivalent effect to imports of products originating in Member States.
  2. The Associated States may, in accordance with the procedure laid down in Protocol No 3 to this Convention, maintain or introduce quantitative restrictions or measures having equivalent effect on imports of products originating in Member States in order to meet their development needs or in the event of difficulties in their balance of payments.
- Quantitative restrictions or measures having equivalent effect may be applied, if necessary, at the same time as the tariff measures referred to in Article 3 (2).
3. Application of the quantitative restrictions or measures having equivalent effect provided for in paragraph 2 shall not give rise, in law or in fact, to discrimination between Member States.

4. Associated States in which imports come within the province of a State monopoly of a commercial character or of any public body which, in law or in fact, directly or indirectly limits imports, shall take any steps necessary to attain the objective defined in this Title, and in particular that of non-discrimination between Member States.

5. At the request of the Community, there shall be consultations within the Council of Association regarding the conditions of application of this Article.

#### *Article 8*

Articles 6 and 7 shall not prejudice the treatment which a Contracting Party signatory to a world agreement applies to any product under such an agreement.

#### *Article 9*

Articles 6, 7 and 8 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures

possessing artistic, historic or archaeological value; or the protection of industrial and commercial property.

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

#### Article 10

1. For the purposes of implementing this Title, the concept of 'originating products', and the methods of administrative cooperation relating thereto, defined pursuant to the Convention of Association signed at Yaoundé on 2 July 1963, shall continue to apply.

2. The Council of Association may adopt any amendment to the texts referred to in paragraph 1.

3. If for any product the concept of 'originating products' has not been defined pursuant to one of the preceding paragraphs, each Contracting Party shall continue to apply its own rules.

### Chapter II

#### Provisions concerning commercial policy

#### Article 11

Subject to the special provisions for frontier-zone traffic and without prejudice to Articles 12 and 13:

- the treatment applied in Associated States by virtue of this Title to products originating in the Community shall not be less favourable than that applied to products originating in the most favoured third State;
- the treatment applied in Associated States by virtue of this Title to their products and destined for the Community shall not be less favourable than that applied to products destined for the most-favoured third State.

#### Article 12

The Associated States may maintain or establish among themselves customs unions or free-trade areas or conclude among themselves economic cooperation agreements.

The Associated States concerned shall keep the Council of Association informed.

#### Article 13

1. Each Associated State may maintain or establish customs unions or free-trade areas or conclude economic cooperation agreements with one or more African third countries at a comparable stage of development provided that provisions on origin relating to the application of this Convention are not thereby affected.

The Associated State or States concerned shall keep the Council of Association informed.

2. At the request of the Community there shall be consultations within the Council of Association.

3. If these consultations reveal any incompatibility between the undertakings given by the Associated States referred to in paragraph 1 and the principles or provisions of this Convention, the Council of Association shall, if need be, take any measures necessary for the proper functioning of the Association. It may also make any necessary recommendations.

#### Article 14

Each Associated State may likewise maintain or establish customs unions or free-trade areas or conclude economic cooperation agreements with one more other third countries, if they are compatible with this Convention, and in particular with Article 11 thereof, and with provisions adopted for the application of Article 10.

The Associated State or States concerned shall keep the Council of Association informed.

At the request of the Community there shall be consultations within the Council of Association.

#### Article 15

1. With regard to commercial policy the Contracting Parties shall inform each other of any measures they propose to take regarding trade with third countries if such measures are likely to be prejudicial to the interests of one or more of the Contracting Parties.

2. At the request of the Community or of an Associated State there shall be consultations within the Council of Association.

3. The Council of Association shall determine the procedure for providing information and holding consultations regarding the application of this Chapter.

### Chapter III

#### Protective clauses

#### Article 16

1. If serious disturbances occur in a sector of the economy of one or more Associated States or prejudice their external stability, or if difficulties arise which adversely affect the economic situation of a given area in one or more Associated States, the Associated State or States concerned may take the necessary protective measures.

Such measures and the rules for their application shall be notified without delay to the Council of Association.

2. If serious disturbances occur in a sector of the economy of the Community or of one or more of its Member States, or prejudice their external financial stability, or if difficulties are which adversely affect the economic situation of a given area of the Community, the latter may take, or may authorize the Member State or States concerned to take, the necessary protective measures.

Such measures and the rules for their application shall be notified without delay to the Council of Association.

3. In the application of paragraphs 1 and 2, preference shall be given to such measures as will least disturb the functioning of the Association. The scope of these measures must not exceed what is strictly necessary to remedy the difficulties that have arisen.

4. There may be consultations within the Council of Association regarding the measures taken in the application of paragraphs 1 or 2.

## TITLE II

### FINANCIAL AND TECHNICAL COOPERATION

#### Article 17

In accordance with the provisions of this Title and of Protocol No 6 to this Convention, the Community shall participate in measures, complementary to the action taken by the Associated States, to promote their economic and social development.

#### Article 18

For the purposes set out in Article 17, and for the duration of this Convention, an aggregate amount of 918 million units of account shall be supplied with a view to covering the whole of the Community's aid, as follows:

(a) 828 million units of account by the Member States. This amount shall be paid into the European Development Fund (hereinafter called the 'Fund') as follows:

- 748 million units of account shall be used in the form of non-reimbursable grants;
- 80 million units of account shall be used in the form of loans on special terms and of contributions to the creation of risk capital, in particular by participating in it.

(b) up to 90 million units of account by the European Investment Bank (hereinafter called the 'Bank') in the form of loans extended on the terms set out in Protocol No 6 to this Convention and in the Statute of the Bank. These loans may carry a rebate on the interest. The aggregate cost of the interest rebates on loans granted to the Associated States after 1 June 1964 shall be charged against the total of non-reimbursable grants.

#### Article 19

1. Without prejudice to Articles 20 and 21, the amount fixed in Article 18 shall be used for the financing of projects and programmes adopted as far as possible within the framework of a development programme or plan and relating to:

- investment in production and in economic and social infrastructure, in particular with a view to diversifying the economic structure of the Associated States and, especially, to promoting their industrialization and their agricultural development;

- measures of general technical cooperation, or technical cooperation linked with investments;

- measures to promote the marketing and sale of products exported by the Associated States.

2. Decisions on the various measures provided for in paragraph 1 shall take into account:

- the desirability of achieving integrated schemes by means of harmonized application of such measures;
- the development difficulties peculiar to each Associated State owing to the natural conditions prevailing therein;
- the desirability of promoting regional cooperation between Associated States and, where appropriate, between them and one or more neighbouring States.

#### Article 20

1. In addition, a reserve fund is hereby established which shall be financed from aid in the form of non-reimbursable grants provided for in Article 18 to assist the Associated States to deal with particular or unusual occurrences which lead to an exceptional situation having serious repercussion on their economic potential due to a fall in world prices or to natural disasters such as famine or floods.

In the event of such an exceptional situation occurring, the Community may grant aid. Such aid shall be allocated case by case. It shall either take the form of a cash payment or, according to the circumstances, any other form.

2. The fund provided for in paragraph 1 shall receive an initial appropriation of 20 million units of account.

At the beginning of the second, third, fourth and fifth years of the application of this Convention the balance not used during the preceding year shall automatically be made up to the full amount of the initial appropriation.

The aggregate of the additional amounts paid in, apart from the initial appropriation, shall not exceed 45 million units of account.



However, if at the end of the third year and due to the extent of the occurrences referred to in paragraph 1, the amounts provided for are obviously insufficient, the Council of Association may decide to levy for the aid provided for in this Article an amount of not more than 15 million units of account on the amount of non-reimbursable grants provided for in Article 18.

#### *Article 21*

The Community may grant advances from the liquid assets of the Fund up to a total amount of up to 50 million units of account in order to alleviate the consequences of temporary fluctuations in world prices.

#### *Article 22*

1. The Associated States shall, if possible upon the entry into force of this Convention, inform the Commission of their development plans and programmes and of any measures for which they wish to seek financial aid from the Community.

They shall communicate any subsequent modifications of such plans or programmes.

2. Documentation shall be transmitted to the Community for each project or programme for which financing is requested pursuant to Article 19 or for each advance requested pursuant to Article 21, either by the Associated State or group of Associated States concerned or, with the latter's agreement, by the undertaking or the regional or inter-State agency concerned.

However, the Community may put forward proposals for projects and programmes for technical cooperation. It shall first secure the consent of the Associated State or group of Associated States concerned on the broad outlines of such projects or programmes.

#### *Article 23*

The Community shall examine requests for financing referred to it pursuant to Article 22. It shall maintain such contacts with the Associated States concerned as it may require in order that its decisions on the project or programmes submitted to it may be taken in full knowledge of the facts, and in order to be able to contribute to the promotion of a harmonious and balanced development of the Associated States as a whole. In examining these requests the Community shall take into account the particular problems facing the countries which are at the greatest disadvantage in order to ensure that they receive appropriate financial and technical aid. The Associated State or group of Associated States concerned shall be informed of the decision taken on its request.

#### *Article 24*

Aid contributed by the Community for the execution of certain projects or programmes may, with the consent of

the Associated State or group of Associated States concerned, take the form of co-financing in which, in particular, credit and development bodies and institutions of the Associated States, Member States, third States or international finance organizations may take part.

#### *Article 25*

1. In accordance with Articles 22 and 24, the following may be recipients of the various forms of Community aid provided for in Article 19: Associated States; legal persons in the Member States or Associated States, which are not primarily profit-making, if their work is in the general interest and they are subject to government control in those States; producer groups or similar bodies approved by the Community and by the Associated States or, in their absence and exceptionally, individual producers themselves; regional or inter-State bodies in which the Associated States take part.

In addition, the following may be recipients:

- (a) of non-reimbursable grants for general technical cooperation: specialist bodies and institutions or, exceptionally, undertakings whose business is the training of specialists for others; and scholarship holders, trainees or persons following training courses;
- (b) of loans from the Bank and rebates on interest thereon, loans on special terms, contributions to the creation of risk capital and any non-reimbursable grants made for technical cooperation linked with investments: undertakings applying industrial and commercial management methods and formed in an Associated State as companies or firms within the meaning of the second paragraph of Article 35.

2. The recipients of the aid referred to in Article 20 shall be the Associated States. The procedure for distributing this aid shall be laid down by common accord between the Community and the recipient Associated State or States.

#### *Article 26*

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

2. The provisions of paragraph 1 shall be without prejudice to measures intended to assist construction or large or small-scale production undertakings of the Associated State concerned, or of another Associated State in the same area, to take part in the execution of public works contracts of limited scope or of contracts for the supply of locally produced goods.

#### *Article 27*

The fiscal and customs arrangements applicable in the Associated States to contracts financed by the Commu-

nity shall be laid down by a decision of the Council of Association taken at the first meeting following the date of entry into force of this Convention.

#### *Article 28*

1. The amounts allocated for financing projects or programmes under this Title shall be expended in accordance with the agreed allocations and to the best economic advantage.

2. The management and upkeep of the economic and social infrastructure and of the production plant provided through Community aid shall be the responsibility of the recipients.

#### *Article 29*

The Council of Association shall lay down the general pattern for financial and technical cooperation within the framework of the Association on the basis of an annual

report submitted to it by the Commission on the administration of the Community's financial and technical aid. That report shall take into account the experience gained and the contacts made with the Associated States provided for in Article 23. It shall be drawn up in collaboration with the Bank as regards the parts concerning the latter and shall, in particular, set out the position as regards the commitment, implementation and utilization of the aid, specifying the type of financing and the recipient State; it shall also give details of any disparities and other irregularities noted, particularly in respect of the principles set out in Article 19 (2).

#### *Article 30*

Should an Associated State fail to ratify the Convention in accordance with Article 59, or denounce the Convention in accordance with Article 64, the Contracting Parties shall adjust the amounts of the financial aid provided for in this Convention.

### TITLE III

#### RIGHT OF ESTABLISHMENT, SERVICES, PAYMENTS AND CAPITAL MOVEMENTS

#### *Article 31*

The rules applied in each Associated State as regards the right of establishment or the provision of services shall not, in law or in fact, constitute, either directly or indirectly, discrimination between nationals, companies or firms of individual Member States.

Nevertheless, nationals, companies or firms of a Member State, may avail themselves of the first paragraph in respect of a given activity in an Associated State only in so far as the State to which they belong grants similar advantages for the same activity to nationals, companies or firms of the Associated State concerned.

#### *Article 32*

Where, in an Associated State, nationals, companies or firms of a State which is neither a Member State nor an Associated State within the meaning of this Convention receive treatment more favourable than that accorded under this Title to nationals, companies or firms of Member States, the same treatment shall be extended to nationals, companies or firms of the Member States, save where it from regional agreements.

#### *Article 33*

Subject to the provisions relating to capital movements, the right of establishment shall, for the purposes of this Convention, include the right to take up and pursue activities as self-employed persons; to set up and manage undertakings, in particular companies or firms; and to set up agencies, branches or subsidiaries.

#### *Article 34*

Services shall be considered to be 'services' within the meaning of this Convention where they are normally provided for remuneration, in so far as they are not governed by the provisions relating to trade, the right of establishment or capital movements. Services shall in particular include activities of an industrial, commercial, craft or professional nature but not those of employed persons.

#### *Article 35*

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

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

#### *Article 36*

At the request of the Community or of the Associated States the Council of Association shall examine problems raised by the application of Articles 31 to 35. It

shall also take any decision or make any recommendation required for the application thereof.

#### *Article 37*

Each Signatory State undertakes, in so far as it has powers in such matters, to authorize any payments connected with movements of goods, services or capital, and with earnings, and the transfer of such payments to the Member State or Associated State in which the creditor or the beneficiary resides, to the extent that the movement of goods, services, capital and persons has been liberalized pursuant to this Convention.

#### *Article 38*

Throughout the period of subsistence of the loans and participations provided for in Articles 6, 7, 8, 9 and 11 of Protocol No 6 to this Convention, the Associated States undertake:

- to make available to debtors the currency necessary for the payment of interest and commission on and amortization of loans granted for the execution of projects in their territory and for the repayment of advances or loans granted to the bodies responsible

for the alleviation of the consequences of fluctuations in the prices of products;

- to make available to the Bank the currency necessary for the transfer of all the sums representing the revenue and proceeds from transactions contributing to the creation of risk capital of undertakings.

#### *Article 39*

1. The Associated States shall endeavour to apply liberal exchange arrangements to investments and current payments connected with capital movements resulting therefrom, where these are made by persons residing in the Member States.

2. The Associated States shall treat nationals and companies and firms of Member States on an equal footing in respect of their investments and the capital movements resulting therefrom.

#### *Article 40*

The Council of Association shall formulate such recommendations to the Contracting Parties as may be necessary concerning the application of Articles 37, 38 and 39.

### TITLE IV

#### THE INSTITUTIONS OF THE ASSOCIATION

#### *Article 41*

The institutions of the Association shall be:

- a Council of Association, assisted by a Committee of Association;
- a Parliamentary Conference of the Association;
- an Arbitration Court of the Association.

#### *Article 42*

The Council of Association shall consist of the members of the Council and of members of the Commission of the European Communities on the one hand, and of a member of the Government of each Associated State on the other.

Any member of the Council of Association unable to attend a meeting may be represented. Such representative shall exercise all the rights of the member.

The proceedings of the Council of Association shall be valid only if half the members of the Council of the European Communities, one member of the Commission and half the members representing the Governments of the Associated States are present.

#### *Article 43*

The office of President of the Council of Association shall be held alternately by a member of the Council of the European Communities and a member of the Government of an Associated State.

#### *Article 44*

The Council of Association shall meet once a year on the initiative of its President.

The Council of Association shall also meet whenever necessary in accordance with its rules of procedure.

#### *Article 45*

The Council of Association shall act by mutual agreement between the Community and the Associated States.

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

*Article 46*

The Council of Association shall have the power to take decisions in the circumstances referred to in this Convention; such decisions shall be binding on the Contracting Parties, who shall take the necessary measures to implement the decisions.

The Council of Association may likewise formulate such resolutions, recommendations or opinions as it may consider necessary to achieve the common objectives and to ensure the smooth functioning of the Association arrangements.

The Council of Association shall periodically review the results of the Association arrangements, account being taken of the objectives of this Association.

The Council of Association shall adopt its rules of procedure.

*Article 47*

The Council of Association shall be assisted in the performance of its tasks by a Committee of Association consisting, on the one hand, of a representative of each Member State and a representative of the Commission and, on the other, of a representative of each Associated State.

*Article 48*

The chairman of the Committee of Association shall be a representative of State which is in office as President of the Council of Association.

The Committee of Association shall adopt its rules of procedure, which shall be submitted to the Council of Association for approval.

*Article 49*

1. In its rules of procedure the Council of Association shall lay down the functions and powers of the Committee of Association, with the object of ensuring the continuity of cooperation necessary for the smooth functioning of the Association.

2. The Council of Association may, where necessary and on the terms and within the limits laid down by the Council, delegate to the Committee of Association the powers entrusted to it by this Convention.

In that event, the Committee of Association shall act as provided for in Article 45.

*Article 50*

The Committee of Association shall report to the Council of Association, particularly as regards matters which have been the subject of delegated powers.

It shall also submit any pertinent proposals to the Council of Association.

*Article 51*

The secretariat of the Council of Association and of the Committee of Association shall be provided on an equal basis, it shall operate in accordance with the rules of procedure of the Council of Association.

*Article 52*

The Parliamentary Conference of the Association shall meet once a year. It shall consist of an equal number of members of the European Parliament and of members of the Parliaments of the Associated States.

The Council of Association shall submit annually a report on its activities to the Parliamentary Conference.

The Parliamentary Conference may pass resolutions on matters concerning the Association. It shall appoint its President and its officers and shall adopt its rules of procedure.

The Parliamentary Conference shall be prepared by a Joint Committee set up on an equal basis.

*Article 53*

1. Any dispute arising between one Member State, several Member States or the Community on the one hand, and one or more Associated States on the other, concerning the interpretation or application of this Convention, shall be submitted by one of the parties to the dispute to the Council of Association, which shall seek an amicable settlement thereof at its next meeting. If the Council of Association cannot settle the dispute or if the parties to the dispute fail to agree upon an appropriate method of settlement, the dispute shall, at the request of either party, be submitted to the Arbitration Court of the Association.

2. The Arbitration Court shall consist of five members: a President who shall be appointed by the Council of Association and four judges chosen from persons of recognized independence and competence. The judges shall be appointed by the Council of Association within three months from the entry into force of the Convention and for the duration thereof. Two of the judges shall be appointed on the proposal of the Council of the European Communities and the other two on the proposal of the Associated States. Following the same procedure, the Council of Association shall, for each judge, appoint an alternate who shall sit in the event of the judge being unable to do so.

3. The Arbitration Court shall decide by a majority of the votes cast.

4. The decisions of the Arbitration Court shall be binding on the parties to the dispute who shall take all necessary measures to carry them out.

5. The Statute of the Arbitration Court is set out in Protocol No 8 to this Convention. On the proposal of the

Arbitration Court, the Council of Association may amend that Statute.

6. The Arbitration Court shall, at its first session, adopt its rules of procedure.

#### *Article 54*

The Council of Association may make any appropriate recommendation in order to facilitate contacts between

the Community and representatives of the various trades and professions of the Associated States.

#### *Article 55*

The operating expenditure of the institutions of the Association shall be met as provided in Protocol No 10 to this Convention.

### TITLE V

#### GENERAL AND FINAL PROVISIONS

#### *Article 56*

No treaty, convention, agreement or arrangement of any kind between one or more Member States and one or more Associated States shall preclude the application of this Convention.

#### *Article 57*

This Convention shall apply to the European territories of the Member States and to the territories of the Associated States.

Title I of this Convention shall also apply to relations between the French overseas departments and the Associated States.

#### *Article 58*

As regards the Community, this Convention shall be validly concluded by a decision of the Council of the European Communities taken in conformity with the Treaty and notified to the Parties. It shall be ratified by the Signatory States in conformity with their respective constitutional requirements.

The instruments of ratification and the act of notification of the conclusion of the Convention shall be deposited with the Secretariat of the Council of the European Communities who shall advise the Signatory States of the deposit thereof.

#### *Article 59*

1. This Convention shall enter into force on the first day of the month following the deposit of the instruments of ratification of the Member States and of at least 15 of the Associated States, and of the act of notification of the conclusion of the Convention by the Community.

2. An Associated State which has not ratified the Convention by the date of its entry into force as provided for in paragraph 1 shall be able to do so only within 12 months following such entry into force, unless before the expiry of that period it gives notice to the Council of Association of its intention to ratify the Convention not later than six months following that period, and on condition that it deposits its instruments of ratification within that time.

3. As regards those States which have not ratified the Convention by the date of its entry into force as provided for in paragraph 1, the provisions of the Convention shall become applicable on the first day of the month following the deposit of their respective instruments of ratification.

The Signatory States which ratify the Convention in accordance with paragraph 2 shall recognize the validity of all measures taken in implementation of that Convention between the date of its entry into force and the date when its provisions become applicable to them. Without prejudice to any extension which might be granted to them by the Council of Association, they shall, not later than six months following the deposit of their instruments of ratification, carry out all the obligations devolving upon them under this Convention or under implementing decisions adopted by the Council of Association.

4. The rules of procedure of the institutions of the Association determine whether and under what conditions the representatives of the Signatory States which, on the date of entry into force of the Convention have not yet ratified it, may attend meetings of the institutions of the Association as observers. The provisions thus adopted shall be effective only until the date on which the Convention becomes applicable to those States; at all events, they shall cease to apply on the date on which, pursuant to paragraph 2, the State concerned may no longer ratify the Convention.

#### *Article 60*

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

2. Any request for association with the Community by a State whose economic structure and production are comparable with those of the Associated States, and which, after examination by the Community, has been referred by the latter to the Council of Association, shall be the subject of consultations within the Council of Association.

3. An Agreement of Association between the Community and a State covered by paragraph 2 may provide for

the accession of that State to this Convention. That State shall then enjoy the same rights and be subject to the same obligations as the Associated States. However, the Agreement which associates that State with the Community may determine the date on which certain of those rights and obligations shall become applicable to it.

Such accession shall not adversely affect the benefits accruing to the Associated States signatories to this Convention from the provisions on financial and technical cooperation.

#### *Article 61*

This Convention is concluded for a period of five years from the date of its entry into force and shall expire on 31 January 1975 at the latest.

#### *Article 62*

Eighteen months before the expiry of this Convention the Contracting Parties shall examine any provisions which might be made for a further period.

The Council of Association shall take any transitional measures required until the new Convention enters into force.

#### *Article 63*

The Community and the Member States shall assume the obligations laid down in Articles 2 and 6 in respect of

Associated States which, owing to international obligations applying at the time of the entry into force of the Treaty and making them subject to a special customs treatment, consider themselves not yet able to offer the Community the reciprocity provided for by Article 3 (1).

The Contracting Parties concerned shall re-examine the situation not later than three years after the entry into force of the Convention.

#### *Article 64*

This Convention may be denounced by the Community in respect of any Associated State, and by any Associated State in respect of the Community, subject to six months' notice.

#### *Article 65*

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

#### *Article 66*

This Convention, drawn up in a single original in the Dutch, French, German and Italian languages, each of these texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall transmit a certified copy thereof to the Government of each of the Signatory States.

Done at Yaoundé this twenty-ninth day of July in the year one thousand nine hundred and sixty-nine.

For His Majesty the King of the Belgians:

Charles HANIN

For the President of the Federal Republic of Germany:

Gerhard JAHN

For the President of the French Republic:

Yvon BOURGES

For the President of the Italian Republic:

Mario PEDINI

For His Royal Highness the Grand Duke of Luxembourg:

Albert BORSCHETTE

For Her Majesty the Queen of the Netherlands:

Joseph M.A.H. LUNS

For the Council of the European Communities

Joseph M.A.H. LUNS

Jean REY

Subject to the reservation that the European Economic Community shall not be finally bound until notification has been given to the other Contracting Parties of the completion of the procedures required by the Treaty establishing the European Economic Community.

For the President of the Republic of Burundi:

Lazare NTAWURISHIRA

For the President of the Federal Republic of Cameroon:

Vincent EFON

For the President of the Central African Republic:

Louis ALAZOULA

For the President of the Republic of Chad:

Abdoulay LAMANA

For the President of the Democratic Republic of the Congo:

Crispin KASASA

For the President of the Republic of the Congo (Brazzaville), Head of State:

Charles SIANARD

For the President of the Republic of Dahomey:

Daouda BADAROU

For the President of the Gabonese Republic:

Emile KASSA MAPSI

For the President of the Republic of the Ivory Coast:

Konan BEDIE

For the President of the Malagasy Republic:

Jacques RABEMANANJARA

For the Head of State of the Republic of Mali:

Jean-Marie KONE

For the President of the Islamic Republic of Mauritania:

Mokhtar Ould HAIBA

For the President of the Republic of Niger:

Alidou BARKIRE

For the President of the Republic of Rwanda:

Sylvestre NSANZIMANA

For the President of the Republic of Senegal:

Jean COLLIN

For the President of the Somali Republic:

Ahmed DUALE

For the President of the Republic of Togo:

Paulin EKLOU

For the President of the Republic of Upper Volta:

Pierre Claver DAMIBA

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## PROTOCOLS

### PROTOCOL No 1

#### on the application of Article 2 (2) of the Convention of Association

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

#### *Article 1*

1. After consultation within the Council of Association, the Community shall determine, case by case, what treatment is to be applied to imports of each of the products or groups of products referred to in Article 2 (2) of the Convention and originating in the Associated States where the latter have an economic interest in exporting such products.

The treatment which the Community applies to these products shall be more favourable than the general treatment applied to like products originating in third countries.

2. However, the Community may, exceptionally, refrain from applying special treatment to a particular product from the Associated States if the economic situation in the Community in respect of that product so justifies.

#### *Article 2*

If products originating in the Associated States and specified in the first indent of Article 2 (2) of the Convention are liable to customs duties on importation into the Community and if under the common agricultural policy there is no provision for trade in those products with third countries, their importation into the Community shall, notwithstanding Article 1, be governed by Article 2 (1) of the Convention.

#### *Article 3*

1. The treatment laid down for the various products on the basis of this Protocol shall apply until the expiry of the Convention.

2. However, in the event of a change in the Community organization of markets, the Community reserves the right to modify the treatment laid down, after consultation within the Council of Association.

In that event, the Community undertakes to extend to the Associated States under the new treatment advantages comparable to those which they enjoyed previously.

### PROTOCOL No 2

#### on the application of Article 3 of the Convention of Association

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

#### *Article 1*

The development needs of the Associated States referred to in Article 3 (2) of the Convention are those arising from:

- the implementation of economic development programmes aimed at raising the general standard of living in the country in question;
- their requirements for economic development, in particular for promoting new branches of production with a view to raising the country's general standard of living;

- their need to balance their payments and to counter difficulties arising mainly from their efforts to expand their domestic markets but also from instability in their terms of trade;
- the need to achieve a rapid and sustained increase in export earnings.

#### *Article 2*

1. Each Associated State shall communicate to the Council of Association, within three months following the entry into force of this Convention, the customs tariff or the complete list of customs duties and charges having equivalent effect which the Associated State levies on imports of products originating in the Community and in third countries.

In the communication each Associated State shall specify the customs duties and charges having equivalent ef-



fect which, by virtue of Article 3 (2) of the Convention, will continue to apply to products originating in the Community.

2. At the request of the Community, consultations shall be held within the Council of Association on the customs tariffs or lists mentioned in paragraph 1.

#### *Article 3*

1. Each Associated State shall inform the Council of Association in good time of any customs duties or charges having equivalent effect which it is proposed to introduce or increase pursuant to Article 3 (2) of the Convention.

The communication shall give the economic and financial information which is required in order to assess whether such measures should be introduced or maintained.

2. At the request of the Community consultations shall be held within the Council of Association on the meas-

ures mentioned in paragraph 1 before their entry into force. If such consultations have not been held within two months following the date of the communication, the Associated State concerned may apply the proposed measures.

In justifiable cases of urgency these measures may be put into force provisionally even before consultation on condition that the Council of Association is simultaneously informed thereof.

#### *Article 4*

1. For the purpose of levying customs duties and charges having equivalent effect, which have been maintained or introduced pursuant to Article 3 (2) of the Convention, the customs value of the goods shall be the price that they would actually fetch, at the place and time of their introduction into the customs territory, in a sale in the open market between a buyer and a seller who are independent of each other.

2. At the request of the Community, consultations shall be held within the Council of Association on the application of this Article.

### **PROTOCOL No 3**

#### **on the application of Article 7 of the Convention of Association**

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

#### *Article 1*

The development needs mentioned in Article 7 (2) of the Convention are those listed in Article 1 of Protocol No 2.

#### *Article 2*

1. Quantitative restrictions and measures having equivalent effect, which were in force on the date of the entry into force of the Convention and which have been maintained by the Associated States by virtue of Article 7 (2) of the Convention, shall be notified to the Council of Association not later than three months after the entry into force of the Convention, together with all the explanations required in order to assess whether they should be introduced.

At the request of the Community consultations shall be held within the Council of Association on these measures.

2. The Associated States shall inform the Council of Association in good time of any quantitative restrictions and measures having equivalent effect which they intend to introduce in pursuance of Article 7 (2) of the Conven-

tion, together with all the explanations required in order to assess whether they should be introduced.

At the request of the Community, consultations on the measures shall be held within the Council of Association within one month.

In justifiable cases of urgency, in particular in respect of the agricultural products of the Associated States, the measures may be put into force provisionally even before consultation on condition that the Council of Association is simultaneously informed thereof.

3. The Council of Association shall hold the consultations referred to in paragraphs 1 and 2 within two months following the date of the communication. If consultations do not take place within that period, the Associated State concerned may maintain or introduce the measures in question.

#### *Article 3*

The measures mentioned in Article 2 shall be applied subject to the condition that the Associated State concerned maintains import possibilities without discrimination in respect of products originating in the Community.

These measures must be progressively relaxed so as to be eliminated as far as possible by the end of a period to be determined in each case.

**Article 4**

Where difficulties arise in the marketing of a particular product on the domestic market of an Associated State, that State may, notwithstanding Article 3 and on condition that prior consultations have been held within the

Council of Association, suspend imports of that product for a limited period to be determined case by case, if it can show that such difficulties exist and supplies all the explanations required in order to assess whether imports of that product should be prohibited.

**PROTOCOL No 4**

**on the application of the Convention of Association and the conclusion of international agreements on the granting of generalized preferences**

THE HIGH CONTRACTING PARTIES,

DESIRING to define their position on the compatibility of the preferences which are granted by the Associated States to the European Economic Community, with the generalized preferences within the framework of the United Nations Conference on Trade and Development.

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

The provisions of the Convention, in particular Article 3 thereof, do not conflict with the introduction of a generalized system of preferences and do not prevent the Associated States from participating therein.

**PROTOCOL No 5**

**on measures to be taken by the High Contracting Parties concerning their mutual interests, in particular in respect of tropical products**

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

1. The Contracting Parties agree to take account of their mutual interests at international level in accordance with the principles which are the basis of the Convention.
2. To that end, they shall ensure the necessary cooperation, particularly through consultations within the Council of Association, and shall assist each other in every way possible.
3. Such consultations shall be held particularly for the purpose of carrying out, by common consent and at international level, appropriate measures to solve problems arising from the disposal and marketing of tropical products.

**PROTOCOL No 6**

**on the administration of Community aid**

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

**CHAPTER 1****Nature of operations****Article 1**

The investments provided for in Article 19 of the Convention shall comprise:

- (a) directly productive investments, especially in industry and tourism;
- (b) development measures for the economy of rural areas, in particular measures to improve the structure of production, to diversify output and to increase productivity, in particular through short-term measures. These development measures may include specific applied research forming part of integrated projects;

- (c) investments in economic and social infrastructure, including infrastructure designed to stimulate the local development of industry and crafts.

### Article 2

The technical cooperation linked with investments provided for in Article 19 of the Convention includes:

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

### Article 3

The general technical cooperation provided for in Article 19 of the Convention includes:

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

### Article 4

The purposes of the marketing and sales promotion aid provided for in Article 19 of the Convention are:

- to improve the structure and working methods of organizations, services or undertakings contributing to the development of the external trade of the Associated States or to promote the creation of such organizations, services or undertakings;
- (b) to promote participation by the Associated States in international trade fairs and exhibitions;
- (c) to train external trade and sales promotion specialists;
- (d) to undertake market surveys and market research and to encourage use of their results;
- (e) to improve the dissemination of information in the Community and the Associated States with a view to developing trade.

## CHAPTER II

### Methods of financing

#### Article 5

1. Projects and programmes may be financed by non-reimbursable grants, by loans on special terms, by loans from the Bank with or without interest rebates or by several of these methods in combination.

Furthermore, undertakings applying industrial and commercial management methods may, in respect of their investments, receive contributions to the creation of their risk capital.

2. The technical cooperation provided for in Articles 2, 3 and 4 of this Protocol and the aid provided for in Article 20 of the Convention shall, however, be financed through non-reimbursable grants.

#### Article 6

Loans for the financing of economic investment projects shall be granted either direct to the recipient, or, where appropriate, through the State concerned or through a national or multinational organization undertaking the financing of development measures.

The terms and conditions according to which the ultimate recipient receives the loans through the intermediary borrower shall be drawn up simultaneously and by common accord between the intermediary borrower and the Community institutions responsible for granting the loan.

#### Article 7

1. Investment projects of general benefit to the economy of the Associated State in which they are executed may be financed wholly or partly by means of loans on spe-

cial terms where the financial viability of such projects and the economic situation of the Associated State concerned so allow.

2. Such loans may be granted for a period of up to 40 years and for a redemption-free period of up to 10 years. It shall be granted on favourable interest terms.

3. The Community shall lay down the terms for these loans and the rules for payment and repayment.

#### *Article 8*

1. Scrutiny by the Bank of the eligibility of projects and the granting of loans from its own resources shall be effected in accordance with the rules, conditions and procedures provided for in its Statute, consideration being given to the economic situation of the State concerned.

2. The redemption period of each loan from the Bank shall be determined on the basis of the economic and financial characteristics of the project: that period may not exceed 25 years.

3. The rate of interest shall be the rate charged by the Bank at the time of signature of the loan. Interest rebates on these loans may not reduce to less than 3% the rate of interest which the recipients will actually bear. However, in the case of loans granted through State-controlled development financing institutions, the minimum rate to be borne by the intermediary borrower may not be less than 2 %.

4. The total value of interest rebates at the time of signature of the loan, calculated at a rate and according to rules to be laid down by the Community, shall be paid direct to the Bank.

#### *Article 9*

In order to encourage the execution of projects of general interest to the economy of the Associated State in which they are to be executed, the Community may contribute to the formation of risk capital by participating in it or by other appropriate methods, in such a way as to increase the resources of the recipients referred to in Article 25 of the Convention.

These contributions shall be of minority nature. They may be made in conjunction with a loan from the Bank, or, exceptionally, with a loan on special terms.

#### *Article 10*

Requests relating to the aid provided for in Article 20 of the Convention shall, on submission to the Community, be accompanied by all the economic and financial information required to enable an assessment to be made of the consequences for the economy of the State concerned of the particular and unusual occurrences justifying grant of exceptional aid by the Community.

Specifically, where these difficulties result from a fall in world prices, account shall be taken, when giving consideration to the grant of such aid, to the importance of the product or products concerned to the economy of the State in question and the economic situation in that State.

#### *Article 11*

1. Requests for advances provided for in Article 21 of the Convention shall be submitted either by the national or inter-State institutions responsible for alleviating the consequences of fluctuations in the price of products or, with the consent of the Associated State or States concerned, by producer groups.

2. Advances shall be for a maximum of three years irrespective of the period of application of the Convention. Advances shall be free of interest for the period of repayment specified.

3. The repayment of advances and the payment of any compensation in respect of delayed payments shall be guaranteed by the Associated State or States concerned.

### CHAPTER III

#### *Use of aid*

#### *Article 12*

1. The documentation prepared in accordance with Article 22 (2) of the Convention shall be submitted to the Community through the Commission.

However, projects for which either a loan from the Bank, with or without interest rebates, or a contribution to the creation of risk capital is requested shall be submitted to the Bank.

2. The method of financing indicated in the request shall not prejudice the method of financing to be adopted by the Community.

#### *Article 13*

1. Financial aid may be used to cover import expenses and the local expenditure necessary for the execution of approved investment projects.

2. Such aid may not be used to cover current administrative, maintenance and operating expenses.

#### *Article 14*

The provisions relating to monopolies and quantitative restrictions retained or introduced pursuant to Article 7 of the Convention and Protocol No 3 shall not apply to imports into an Associated State where such imports are financed out of Community aid.

The Community and the Associated States shall collaborate in all measures necessary to ensure that the amounts

allocated by the Community are used in accordance with Articles 26 and 28 of the Convention.

#### *Article 16*

The general clauses and conditions applicable to the award and execution of public work contracts financed by the Fund shall be the subject of joint rules adopted, on a proposal of the Commission, by a decision of the Council of Association at its first meeting following the entry into force of the Convention.

#### *Article 17*

1. The competent authorities of the Associated States shall be responsible for the execution of the projects submitted by their respective Governments and financed by the Community. Furthermore, undertakings and regional or inter-State institutions shall be responsible for executing the projects which they submitted.

2. The Governments of the Associated States and, where appropriate, the institutions or other specialised organizations of the Member States or of the Associated States shall be responsible for the execution of technical cooperation measures submitted by their Governments.

#### *Article 18*

The financial and administrative expenses of the Fund and the cost of supervising projects and programmes shall be charged to the funds allocated to non-reimbursable grants.

#### *Article 19*

A representative of the Bank shall attend the meetings of the Council of Association and of the Committee of Association whenever items relating to fields with which it is concerned are on the agenda.

### **PROTOCOL No 7**

#### **on the value of the unit of account**

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

#### *Article 1*

The value of the unit of account used to express amounts mentioned in the Convention of Association or in the provisions made in implementation thereof shall be 0.88867088 grammes of fine gold.

#### *Article 2*

The parity of the currency of a Member State in relation to the unit of account defined in Article 1 shall be the relation between the weight of fine gold contained in the unit of account and the weight of fine gold corresponding to the par value of that currency communicated to the International Monetary Fund. If no par value has been communicated or exchange rates differing from the parity by a margin exceeding that authorized by the International Monetary Fund are applied to current payments, the weight of fine gold corresponding to the parity of the currency shall be calculated on the basis of the exchange rate for a currency directly or indirectly expressed in and convertible into gold which is applied in the Member State to current payments on the day of the calculation,

and on the basis of the par value communicated to the International Monetary Fund for that convertible currency.

#### *Article 3*

The unit of account defined in Article 1 shall remain unchanged throughout the period of application of the Convention. If, however, before the end of that period a uniform proportionate change in the par values of all currencies in relation to gold should be decided by the International Monetary Fund under Article IV, Section 7, of its Articles of Agreement, the weight of fine gold contained in the unit of account shall alter in inverse ratio to that change.

If one or more Member States do not apply the Decision taken by the International Monetary Fund referred to in the preceding subparagraph, the weight of fine gold contained in the unit of account shall alter in inverse ratio to the change decided by the International Monetary Fund. However, the Council shall examine the situation thus created and shall take the necessary measures acting by a qualified majority after receiving a proposal from the Commission and the opinion of the Monetary Committee.

**PROTOCOL No 8**  
**on the Statute of the Arbitration Court of the Association**

**THE HIGH CONTRACTING PARTIES,**

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

*Article 1*

The Court established under Article 41 of the Convention shall be constituted and shall perform its duties in accordance with the provisions of the Convention and of this Statute.

Chapter I

**Members of the Court**

*Article 2*

The judges and alternate judges shall be appointed for the period of the Convention. In the event of the death or resignation of a judge or of an alternate judge, the President of the Court shall notify the Council of Association which shall immediately appoint a new judge or alternate judge on the recommendation of the Council of the European Communities or the Associated States, as the case may be.

Judges and alternate judges who have resigned shall continue to hold office until their successor has been appointed.

*Article 3*

Members or alternate members of the Court shall, in open court, take an oath to perform their duties conscientiously and with complete impartiality and to preserve the secrecy of the deliberations. This oath shall be taken at the first public sitting following their appointment, in the manner prescribed by the national laws of the member or alternate member concerned.

*Article 4*

The President of the Court shall be appointed for the period of the Convention. In the event of the death or resignation of the President, the Court shall inform the Council of Association, which shall immediately appoint a new President.

Where the President resigns, he shall continue to hold office until his successor has been appointed.

*Article 5*

If, for some special reason, one of the members of the Court considers that he should not sit in a particular case, that member shall so inform the Court, which shall give a ruling on the question.

If, for some special reason, the President considers that one of the judges of the Court should not sit in a particular case, he shall put the question to the Court, which shall give a ruling thereon.

*Article 6*

In the event of a judge being unable to attend, his alternate shall replace him temporarily under the conditions laid down in Article 11 (3); should this alternate likewise be unable to attend, the alternate of the other judge appointed on the same list of nominees shall replace him under the same conditions.

*Article 7*

In the event of the President being unable to attend, for any reason other than death, the Council of Association may assign a person to replace him provisionally in respect of all or part of his functions.

*Article 8*

The members of the Court shall, to enable them to perform their duties, be entitled to the privileges, immunities and facilities normally accorded to members of international law courts or international arbitration tribunals.

In this connection they shall be entitled to legal immunity in respect of acts performed by them in their official capacity. They shall retain this immunity after the expiry of their term of office.

The Court may suspend the immunities provided for in this Article with the exception of immunity in respect of acts mentioned in the preceding paragraph.

Chapter II

**Organization and services of the Court**

*Article 9*

The Court shall sit at the place where the Court of Justice of the European Community sits.

*Article 10*

The services for the Court shall be provided by the Registry of the court of Justice of the European Communities; in particular, the functions of Registrar of the Court shall be exercised by the Registrar of the Court of Justice of the European Communities.

## Chapter III

## Functioning of the Court

## Article 11

The President shall convene the Court whenever this is required.

The sessions and deliberations of the Court shall be valid only when the President and four judges are present.

An alternate judge who is called upon to sit in a case shall continue to do so until the dispute is settled.

## Article 12

The parties shall be represented by one or more agents appointed for the purpose. The agent may be assisted by a lawyer entitled to practise before a Court of a Member State or of an Associated State, or by a university teacher being a national of a Member State or Associated State whose internal law accords him a right of audience.

## Article 13

Such agents, advisers and lawyers shall, when they appear before the Court enjoy the customary privileges and immunities throughout the performance of their task, including the time spent travelling in this connection.

They shall in particular enjoy immunity from legal proceedings in respect of their words, both spoken and written, relating to the case.

The Court may waive the privileges and immunities provided for in the first paragraph where it considers that such waiver would not be detrimental to the case.

## Article 14

The proceedings shall be based on argument on both sides; the details thereof shall be established by this Statute and the Rules of Procedure of the Court.

## Article 15

A case shall be brought before the Court by submission of a written application to which the defendant shall be given the opportunity to reply within a time-limit to be set by the President.

The application shall contain:

- the subject-matter of the dispute;
- a brief statement of the facts establishing that an amicable settlement has not been reached by the Council of Association and that the parties have not agreed on a suitable mode of settlement;
- the plaintiff's submissions;
- a brief statement of the grounds on which the application is based.

## Article 16

The Registry shall submit a copy of the application to the Council of Association, which shall communicate it to the Member States, to the Community and to the Associated States who may, until the completion of the written proceedings provided for in the Rules of Procedure, submit their observations, in writing, to the Court without thereby being considered as becoming parties to the dispute.

Where this Statute provides for the opening of oral proceedings, States which have submitted written observations may be represented in Court. This provision shall also apply to the Community.

## Article 17

The deliberations of the Court shall be and shall remain secret.

## Article 18

The awards of the Court shall state the reasons on which they are based; they shall contain the names of the judges who took part in the deliberations.

They shall be read in open court.

In matters of costs, the Court shall rule *ex aequo et bono*.

## Article 19

Any of the four languages mentioned in Article 66 of the Convention may be used before the Court, in both written and oral proceedings. Whenever one of the parties or a Member State or Associated State, availing itself of the provisions of Article 16, requests the translation of documents or pleadings, such translations shall be undertaken by the Registry.

## Article 20

The Court may institute preparatory inquiries, or order such inquiries to be made.

Witnesses duly summoned to appear before the Court shall comply with such summons and be present at the hearing.

The Court may report to the national authorities any cases of perjury, defaulting witnesses or attempts to suborn witnesses.

## Article 21

The Court may require the parties to produce all documents and to supply all information which the Court considers necessary.

The Court may also require the Council of Association, the Community, Member States or Associated States not being parties to the dispute to supply all information

which the Court considers necessary for the settlement of the dispute.

#### *Article 22*

Whenever the Court decides, either at the request of one of the parties or of its own motion, to institute a special inquiry it shall order the parties or one of the parties to deposit in a special account the amount of money which it considers will be required in order to carry out such inquiries.

When deciding on costs, the Court shall also rule on the apportionment of that amount.

#### *Article 23*

Recoverable costs shall include the actual expenditure incurred by the parties in defending their rights, including the cost of their travel and subsistence and the remuneration of an agent or a lawyer representing or assisting them in Court, and also costs in respect of any special inquiry within the meaning of Article 22.

### Chapter IV

#### Operating expenditure of the Court

##### *Article 24*

The travel and subsistence expenditure incurred by the members of the Court, for which provision is made in Article 3 (2) of Protocol No 10, shall be met by advances provided by the Court of Justice of the European Communities.

At the end of each year the President of the Arbitration Court shall forward an account of sums paid out for this purpose, together with a special report on expenditure incurred and all documentary evidence of accounts relating thereto, to the Council of Association.

This account shall be approved by the Council of Association, which shall order the repayment within two months of its decision. The Community shall pay one half of the account and the other half shall be borne by the Associated States.

### PROTOCOL No 9

#### on privileges and immunities

#### THE HIGH CONTRACTING PARTIES,

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

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

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

Whereas the Protocol concerning the measures to be taken for the application of Article 45 of the Convention, signed this day by the Associated States, has established as a coordinating body for the Associated States a Coordinating Council, composed of the African and Malagasy members of the Council of Association set up by the Convention of Association, assisted by a Coordinating Committee composed of the African and Malagasy members of the Committee of Association set up by the said Convention; whereas that Council and that Committee are to be assisted by a Coordinating Secretariat,

and whereas Article 2 of the said Internal Protocol recognized the Coordinating Council as having legal personality:

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

### Chapter I

#### Persons taking part in the work of the Association

##### *Article 1*

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

The provisions of the preceding paragraph shall also apply to members of the Parliamentary Conference of the Association. Members of the Arbitration Court of the



Association, officials and employees of these institutions, and also to the members of the agencies of the European Investment Bank and its staff.

## Chapter II

### Property, funds and assets of the Coordinating Council

#### Article 2

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

Except when required for the purpose of investigating an accident caused by a motor vehicle belonging to the said Council or being used on its account, or in the event of an infringement of road traffic regulations or of an accident caused by such a vehicle, the property and assets of the Coordinating Council shall not be the subject of any administrative or legal measure of constraint without the authorization of the Arbitration Court of the Association.

#### Article 3

The archives of the Coordinating Council shall be inviolable.

#### Article 4

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

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

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

#### Article 5

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

## Chapter III

### Official communications

#### Article 6

For their official communications and the transmission of all their documents, the European Economic Commu-

nity, the institutions of the Association and the coordinating bodies shall enjoy in the territory of the Signatory States the treatment accorded to international organizations.

Official correspondence and other official communications of the European Economic Community, the institutions of the Association and the coordinating bodies shall not be subject to censorship.

## Chapter IV

### Staff of the Coordinating Secretariat

#### Article 7

The Secretary and Deputy Secretary of the Coordinating Council shall enjoy, in the State in which the Coordinating Council is established, under the responsibility of the Chairman in Office of the Coordinating Committee, the advantages accorded to the diplomatic staff of diplomatic missions. Their spouses and their children under age living in their household shall be entitled, under the same conditions, to the advantages accorded to the spouses and children under age of such diplomatic staff.

#### Article 8

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

#### Article 9

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

## Chapter V

### General provisions

#### Article 10

The privileges, immunities and facilities provided for in this Protocol shall be accorded to those concerned solely

in the interests of the proper execution of their official duties.

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

#### Article 11

Article 53 of the Convention shall apply to disputes relating to this Protocol.

The Coordinating Council and the European Investment Bank may be party to proceedings before the Arbitration Court of the Association.

### PROTOCOL No 10

#### on the operating expenditure of the institutions of the Association

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to the Convention:

#### Article 1

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

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

#### Article 2

The Community and the Associated States shall be severally responsible for the travel and subsistence expenditure of their respective participants at the meetings of the Parliamentary Conference of the Association and of the Joint Committee.

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

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

#### Article 3

Members of the Arbitration Court shall be entitled to a refund of their travel and subsistence expenditure. The

latter shall be 20 units of account for each day during which members of the Arbitration Court sit. Payment shall be made to them by the Arbitration Court.

One half of the travel and subsistence expenditure incurred by the members of the Arbitration Court shall be borne by the Community and the other half by the Associated States.

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

Expenditure relating to special inquiries shall be settled by the Arbitration Court together with the other costs, in accordance with its Statute; to cover such expenditure, the parties shall deposit advances as determined by an Order of the Arbitration Court, or of its President, in which such measures are prescribed.

In witness whereof, the Plenipotentiaries of the High Contracting Parties have signed the above 10 Protocols.

J. M. A. H. LUNS  
J. REY  
C. HANIN  
G. JAHN  
Y. BOURGES  
M. PEDINI  
A. BORSCHETTE  
J. M. A. H. LUNS  
L. NTAWURISHIRA  
V. EFON  
L. ALAZOULA  
C. KASASA  
C. SIANARD  
K. BEDIE  
D. BADAROU  
E. KASSA MAPSI  
P. C. DAMIBA  
J. RABEMANANJARA  
J. M. KONE  
M. O. HAIBA  
A. BARKIRE  
S. NSANZIMANA  
J. COLLIN  
A. DUALE  
A. LAMANA  
P. EKLOU

**AGREEMENT**

**on products within the province of the European Coal and Steel Community  
(70/541/ECSC)**

His Majesty the King of the Belgians,  
The President of the Federal Republic of Germany,  
The President of the French Republic,  
The President of the Italian Republic,  
His Royal Highness the Grand Duke of Luxembourg,  
Her Majesty the Queen of the Netherlands,

Contracting Parties to the Treaty establishing the European Coal and Steel Community,  
signed at Paris on 17 April 1951, whose States are hereinafter referred to as 'Member States',

of the one part; and

The President of the Republic of Burundi,  
The President of the Federal Republic of Cameroon,  
The President of the Central African Republic,  
The President of the Republic of Chad,  
The President of the Democratic Republic of the Congo,  
The President of the Republic of the Congo (Brazzaville), Head of State,  
The President of the Republic of Dahomey,  
The President of the Gabonese Republic,  
The President of the Republic of the Ivory Coast,  
The President of the Malagasy Republic,  
The Head of State of the Republic of Mali,  
The President of the Islamic Republic of Mauritania,  
The President of the Republic of Niger,  
The President of the Republic of Rwanda,  
The President of the Republic of Senegal,  
The President of the Somali Republic,  
The President of the Republic of Togo,  
The President of the Republic of Upper Volta,

whose states are hereinafter referred to as 'Associated States',

of the other part;

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

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

Considering the fact that the Convention of Association between the European Economic Community and the African States and Madagascar associated with that Community, signed this day, does not apply to products within the province of the European Coal and Steel Community;

Desiring nevertheless to maintain and increase trade in those products between the Member States and the Associated States;

Noting that the Agreement concluded to that end and signed at Yaoundé on 20 July 1963 has expired;

Have designated as their Plenipotentiaries:

**HIS MAJESTY THE KING OF THE BELGIANS:**

Mr Charles Hanin, Minister for Middle Class Affairs;

**THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:**

Mr Gerhard Jahn, Parliamentary Secretary of State, Ministry for Foreign Affairs;

**THE PRESIDENT OF THE FRENCH REPUBLIC:**

Mr Yvon Bourges, Secretary of State for Foreign Affairs;

**THE PRESIDENT OF THE ITALIAN REPUBLIC:**

Mr Mario Pedini, Under-Secretary of State for Foreign Affairs;

**HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:**

Mr Albert Borschette, Ambassador Extraordinary and Plenipotentiary;

**HER MAJESTY THE QUEEN OF THE NETHERLANDS:**

Mr Joseph M.A.H. Luns, Minister for Foreign Affairs;

**THE PRESIDENT OF THE REPUBLIC OF BURUNDI:**

Mr Lazare Ntawurishira, Minister for Foreign Affairs and Cooperation;

**THE PRESIDENT OF THE FEDERAL REPUBLIC OF CAMEROON:**

Mr Vincent Efon, Minister for Planning and Development;

**THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC:**

Mr Louis Alazoula, Minister for Industry, Mining and Geology;

**THE PRESIDENT OF THE REPUBLIC OF CHAD:**

Mr Abdoulaye Lamana, Minister for Economic Affairs, Finance and Transport;

**THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO:**

Mr Crispin Kasasa, Deputy Minister for Foreign Affairs, responsible for External Trade;

**THE PRESIDENT OF THE REPUBLIC OF THE CONGO (BRAZZAVILLE), HEAD OF STATE:**

Mr Charles Sianard, Minister for Finance and Economic Affairs;

**THE PRESIDENT OF THE REPUBLIC OF DAHOMEY:**

Mr Daouda Badarou, Minister for Foreign Affairs;

**THE PRESIDENT OF THE GABONESE REPUBLIC:**

Mr Emile Kassa Mapsi, Minister of State, Gabonese Embassy to the Benelux Countries and the European Communities;

**THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST:**

Mr Konan Bedie, Minister for Economic and Financial Affairs;

**THE PRESIDENT OF THE MALAGASY REPUBLIC:**

Mr Jacques Rabemananjara, Minister of State for Foreign Affairs;

**THE HEAD OF STATE OF THE REPUBLIC OF MALI:**

Mr Jean-Marie Kone, Minister of State for Foreign Affairs and Cooperation;

**THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA:**

Mr Mokhtar Ould Haiba, Minister for Planning;

**THE PRESIDENT OF THE REPUBLIC OF NIGER:**

Mr Alidou Barkire, Minister of Economic Affairs, Trade and Industry;

THE PRESIDENT OF THE REPUBLIC OF RWANDA:

Mr Sylvestre Nsanzimana, Minister for Trade, Mining and Industry;

THE PRESIDENT OF THE REPUBLIC OF SENEGAL:

Mr Jean Collin, Minister of Finance;

THE PRESIDENT OF THE SOMALI REPUBLIC:

Mr Elmi Ahmed Duale, Minister of State for Foreign Affairs;

THE PRESIDENT OF THE REPUBLIC OF TOGO:

Mr Paulin Eklou, Minister for Trade, Industry, Tourism and Planning;

THE PRESIDENT OF THE REPUBLIC OF UPPER VOLTA:

Mr Pierre-Claver Damiba, Minister for Planning and Public Works;

WHO, having exchanged their Full Powers, found in good and due form,

HAVE AGREED, for the period of application of the Convention of Association, as follows:

#### *Article 1*

Save where measures are taken pursuant to Chapter X of the Treaty establishing the European Coal and Steel Community, products within the province of that Community shall, when they originate in the Associated States, on importation into the Community be admitted free of customs duties and charges having equivalent effect; however, the treatment applied to these products shall not be more favourable than that applied by the Member States among themselves.

#### *Article 2*

Without prejudice to the application of Article 63 of the Convention of Association, the products mentioned above shall, when they originate in the Member States, on importation into the Associated States be admitted free of customs duties and charges having equivalent effect and free of quantitative restrictions and measures having equivalent effect, under similar conditions to those laid down in Title I, Chapter I, and Article 16 (1) of the Convention of Association and in Protocols Nos 2 and 3 thereto.

#### *Article 3*

Consultations shall take place between the Parties concerned in all cases where, in the opinion of one of them, the implementation of the above provisions calls for such consultations.

#### *Article 4*

This Agreement shall not affect the provisions of the Treaty establishing the European Coal and Steel Community, nor the powers of jurisdiction conferred by that Treaty.

#### *Article 5*

This agreement shall be approved by each Signatory State in accordance with its own constitutional requirements. The Government of each State shall notify the Secretariat of the Council of the European Communities of the completion of the procedures required for the entry into force of this Agreement. This Agreement shall enter into force on the same day as the Convention of Association.

#### *Article 6*

This Agreement shall be concluded for five years from the date of its entry into force and shall expire on 31 January 1975 at the latest. It shall cease to apply to any Signatory State which, under Article 64 of the Convention of Association, is no longer a Party to that Convention.

#### *Article 7*

This Agreement, drawn up in a single original in the Dutch, French, German and Italian languages, each of these texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the Governments of the Signatory States.

In witness whereof, the undersigned Plenipotentiaries have signed this Agreement.

Done at Yaoundé, this twenty-ninth day of July in the year one thousand nine hundred and sixty-nine.

For His Majesty the King of the Belgians,  
Charles HANIN

For the President of the Federal Republic of Germany,  
Gerhard JAHN

For the President of the French Republic,  
Yvon BOURGES

For the President of the Italian Republic  
Mario PEDINI

For His Royal Highness the Grand Duke of Luxembourg,  
Albert BORSCHETTE

For Her Majesty the Queen of the Netherlands,  
Joseph M. A. H. LUNS

For the President of the Republic of Burundi,  
Lazare NTAWURISHIRA

For the President of the Federal Republic of Cameroon,  
Vincent EFON

For the President of the Central African Republic,  
Louis ALAZOULA

For the President of the Republic of Chad,  
Abdoulaye LAMANA

For the President of the Democratic Republic of the Congo,  
Crispin KASASA

For the President of the Republic of the Congo (Brazzaville), Head of State,  
Charles SIANARD

For the President of the Republic of Dahomey,  
Daouda BADAROU

For the President of the Gabonese Republic,  
Emile KASSA MAPSI

For the President of the Republic of the Ivory Coast,  
Konan BEDIE

For the President of the Malagasy Republic,  
Jacques RABEMANANJARA

For the Head of State of the Republic of Mali,  
Jean-Marie KONE

For the President of the Islamic Republic of Mauritania,  
Mokhtar Ould HAIBA

For the President of the Republic of Niger,  
Alidou BARKIRE

For the President of the Republic of Rwanda,  
Sylvestre NSANZIMANA

For the President of the Republic of Senegal,  
Jean COLLIN

For the President of the Somali Republic,  
Ahmed DUALE

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**For the President of the Republic of Togo,**

**Paulin EKLOU**

**For the President of the Republic of Upper Volta,**

**Pierre-Claver DAMIBA**

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**FINAL ACT**

(70/542/EEC)

The Plenipotentiaries of

His Majesty the King of the Belgians,

The President of the Federal Republic of Germany,

The President of the French Republic,

The President of the Italian Republic,

His Royal Highness the Grand Duke of Luxembourg,

Her Majesty the Queen of the Netherlands,

and of the Council of the European Communities,

of the one part, and

The President of the Republic of Burundi,

The President of the Federal Republic of Cameroon,

The President of the Central African Republic,

The President of the Republic of Chad,

The President of the Democratic Republic of the Congo,

The President of the Republic of the Congo (Brazzaville), Head of State,

The President of the Republic of Dahomey,

The President of the Gabonese Republic,

The President of the Republic of the Ivory Coast,

The President of the Malagasy Republic,

The Head of State of the Republic of Mali,

The President of the Islamic Republic of Mauritania,

The President of the Republic of Niger,

The President of the Republic of Rwanda,

The President of the Republic of Senegal,

The President of the Somali Republic,

The President of the Republic of Togo,

The President of the Republic of Upper Volta,

of the other part,

Meeting at Yaoundé this twenty-ninth of July in the year one thousand nine hundred and sixty-nine for the purpose of signing the Convention of Association between the European Economic Community and the African States and Madagascar associated with the Community, have adopted the following texts:

The Convention of Association between the European Economic Community and the African States and Madagascar associated with that Community,

and the following Protocols:

Protocol No 1 on the application of Article 2 (2) of the Convention of Association

Protocol No 2 on the application of Article 3 of the Convention of Association

Protocol No 3 on the application of Article 7 of the Convention of Association

Protocol No 4 on the application of the Convention of Association and the conclusion of international agreements on the granting of generalized preferences

Protocol No 5 on measures to be taken by the High Contracting Parties concerning their mutual interests, in particular in respect of tropical products

Protocol No 6 on the administration of Community aid

Protocol No 7 on the value of the unit of account

Protocol No 8 on the Statute of the Arbitration Court of the Association

Protocol No 9 on privileges and immunities

Protocol No 10 on the operating expenditure of the institutions of the Association



The Plenipotentiaries of the Member States and the Plenipotentiaries of the Associated African States and Madagascar have also adopted the text of the Agreement on products within the province of the European Coal and Steel Community.

The Plenipotentiaries of the Member States and the Plenipotentiaries of the Associated African States and Madagascar have also adopted the texts of the Declarations listed below and annexed to this Final Act:

1. Declaration by the Contracting Parties on Article 10 of the Convention of Association (Annex I)
2. Declaration by the Contracting Parties on petroleum products (Annex II)
3. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States on the fiscal and customs arrangements applicable to contracts financed by the Community (Annex III)
4. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States confirming the Resolutions of the Council of Association on financial and technical cooperation (Annex IV)
5. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States on the liberalization of payments (Annex V)
6. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States on non-discrimination between Member States in the matter of investments (Annex VI)
7. Declarations by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States on Article 1 of Protocol No 9 on privileges and immunities (Annex VII)
8. Declaration by the Contracting Parties on a good offices procedure (Annex VIII)
9. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States on the Statute of the Arbitration Court of the Association (Annex IX)

The Plenipotentiaries of the Associated African States and Madagascar have also taken note of the Declarations listed below and annexed to this Final Act:

1. Declaration by the Representatives of the Governments of the Member States on nuclear products (Annex X)
2. Declaration by the Representatives of the Governments of the Member States on the tariff quota for the importation of bananas (Annex XI)
3. Declaration by the Community on Article 25 of the Convention of Association and Article 9 of Protocol No 6 on the administration of Community aid (Annex XII)
4. Declaration by the Representative of the Government of the Federal Republic of Germany on the definition of the expression 'German national' (Annex XIII)
5. Declaration by the Representative of the Government of the Federal Republic of Germany on the application to Berlin of the Convention of Association (Annex XIV)

In witness whereof, the undersigned Plenipotentiaries have signed this Final Act.

Done at Yaoundé, this twenty-ninth day of July in the year one thousand nine hundred and sixty-nine.

For His Majesty the King of the Belgians.

Charles HANIN

For the President of the Federal Republic of Germany,

Gerhard JAHN

For the President of the French Republic,  
Yvon BOURGES

For the President of the Italian Republic,  
Mario PEDINI

For His Royal Highness the Grand Duke of Luxembourg,  
Albert BORSCHETTE

For Her Majesty the Queen of the Netherlands,  
Joseph M. A. H. LUNS

For the Council of the European Communities,  
Joseph M. A. H. LUNS

For the President of the Republic of Burundi,  
Lazare NTAWURISHIRA

For the President of the Federal Republic of Cameroon,  
Vincent EFON

For the President of the Central African Republic,  
Louis ALAZOULA

For the President of the Republic of Chad,  
Abdoulaye LAMANA

For the President of the Democratic Republic of the Congo,  
Crispin KASASA

For the President of the Republic of the Congo (Brazzaville), Head of State,  
Charles SIANARD

For the President of the Republic of Dahomey,  
Daouda BADAROU

For the President of the Gabonese Republic,  
Emile KASSA MAPSI

For the President of the Republic of the Ivory Coast,  
Konan BEDIE

For the President of the Malagasy Republic,  
Jacques RABEMANANJARA

For the Head of State of the Republic of Mali,  
Jean-Marie KONE

For the President of the Islamic Republic of Mauritania,  
Mokhtar Ould HAIBA

For the President of the Republic of Niger,  
Alidou BARKIRE

For the President of the Republic of Rwanda,  
Sylvestre NSANZIMANA

For the President of the Republic of Senegal,  
Jean COLLIN

For the President of the Somali Republic,  
Ahmed DUALE

**For the President of the Republic of Togo,**  
**Paulin EKLOU**

**For the President of the Republic of Upper Volta,**  
**Pierre-Calver DAMIBA**

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**ANNEX I****Declaration by the Contracting Parties on Article 10 of the Convention of Association****THE HIGH CONTRACTING PARTIES,**

Having decided to extend the period of validity of the texts on the concept of 'originating products' adopted pursuant to the Convention of Association signed at Yaoundé on 20 July 1963,

Conscious that a sole text containing all those provisions would be useful for the proper implementation of the Convention of Association,

Have agreed to instruct the Commission of the European Communities to prepare a draft for a sole text as soon as possible in order that it may be examined as early as possible after the entry into force of the said Convention.

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**ANNEX II****Declaration by the Contracting Parties on Petroleum products**

Regarding petroleum products, the Community reserves the right, when a common policy has been determined, to alter the arrangements provided for in Title I, Chapter I, of the Convention of Association.

In that event, the Community shall accord to imports of such products originating in the Associated States advantages comparable with those laid down in the said Convention.

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**ANNEX III****Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States on the fiscal and customs arrangements applicable to contracts financed by the Community**

The arrangements in force in each Associated State on 31 May 1969 shall continue to be applied until implementation of the decision provided for in Article 27 of the Convention of Association.

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**ANNEX IV****Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States confirming the Resolutions of the Council of Association on financial and technical cooperation**

The Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States will renew the Resolutions on the general guidelines for financial and technical cooperation adopted by the Council of Association on the basis of Article 27 of the Convention of Association signed at Yaoundé on 20 July 1963, as necessary and where they relate to the implementation of the provisions set out in the new Convention.

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**ANNEX V****Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States on the liberalization of payments**

The Governments of the Member States and the Governments of the Associated States will endeavour, within the limits of their relevant powers, and in so far as their economic situation in general and the state of their balance of payments in particular permit them to do so, to liberalize the payments covered by Article 37 of the Convention further than provided for in that Article.

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*ANNEX VI***Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States on non-discrimination between Member States in the matter of investments**

In order to take account, in respect of certain Associated States, of the effects resulting from their membership of regional monetary groupings, it is agreed that the equality mentioned in Article 39 (2) of the Convention of Association – even if it does not fully exclude possible differences in some of the administrative formalities to which the transactions referred to in that Article are subject, depending on whether or not they are effected by nationals of the same monetary zone – must, in practice, ensure that nationals of the various Member States are treated on a completely equal footing.

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*ANNEX VII***Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States on Article 1 of Protocol No 9 on privileges and immunities**

1. 'Customary privileges, immunities and facilities' means the privileges, immunities and facilities provided for in Article 11 of the Protocol of 8 April 1965 on the privileges and immunities of the European Communities.
2. The Governments of the Member States and the Governments of the Associated States will do their utmost to facilitate the grant under the most favourable conditions of temporary visas required by the persons referred to in Article 1 of Protocol No 9 on privileges and immunities to enable them to carry out their duties.

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*ANNEX VIII***Declaration by the Contracting Parties on a good offices procedure**

Contracting Parties who are parties to a dispute within the meaning of Article 53 of the Convention of Association are willing, where circumstances permit, and on condition that the Council of Association is informed so that the parties concerned may assert their rights, to have recourse to a good offices procedure before bringing the dispute before the Council of Association.

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*ANNEX IX***Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States on the Statute of the Arbitration Court of the Association**

The Governments of the Member States and the Governments of the Associated States will endeavour to take all steps necessary to ensure that the offences mentioned in Article 20 (3) of the Statute of the Arbitration Court of the Association are dealt with in the same manner as corresponding offences dealt with by a national court having jurisdiction in civil cases.

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*ANNEX X***Declaration by the Representatives of the Governments of the Member States on nuclear products**

It results from the provisions of the Treaty establishing the European Atomic Energy Community taken in conjunction with those of the Treaty establishing the European Economic Community that Title I of the Convention of Association applies to the goods and products covered by Articles 92 *et seq* of the Treaty establishing the European Atomic Energy Community.

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*ANNEX XI***Declaration by the Representatives of the Governments of the Member States on the tariff quota for imports of bananas**

If the Federal Republic of Germany should require quantities in excess of the tariff quota granted to her by virtue of the Protocol on the tariff quota for imports of bananas (heading No ex 08.01 of the Brussels Nomenclature), signed by the Member States on 25 March 1957, the exporting Associated States shall be consulted as to their ability to supply all or part of the quantities required by the Federal Republic of Germany.

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*ANNEX XII***Declaration by the Community on Article 25 of the Convention of Association and Article 9 of Protocol No 6 on the administration of Community aid**

Conscious that Article 25 (1) of the Convention of Association does not exclude the possibility of participation by the Associated States in development banks, the Community nevertheless draws the attention of the latter to the fact that such holdings shall be taken up only in exceptional cases and on condition that the Community possesses sufficient guarantees, to be specified if necessary.

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*ANNEX XIII***Declaration by the Representative of the Government of the Federal Republic of Germany on the definition of the expression 'German national'**

All Germans as defined in the Basic Law for the Federal Republic of Germany shall be considered nationals of the Federal Republic of Germany.

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*ANNEX XIV***Declaration by the Representative of the Government of the Federal Republic of Germany on the application to Berlin of the Convention of Association**

The Convention of Association shall apply equally to Land Berlin unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the other Contracting Parties within three months from the entry into force of the Convention.

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