

# GENERAL AGREEMENT ON TARIFFS AND TRADE

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## AGREEMENT ESTABLISHING AN ASSOCIATION BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE AFRICAN AND MALAGASY STATES ASSOCIATED WITH THAT COMMUNITY

The Director-General has received the following communication from the Council of the European Communities.

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I have the honour to advise you for the information of the CONTRACTING PARTIES to the General Agreement, that a new Convention of Association was signed on 29 July 1969 at Yaoundé between the European Economic Community and the African and Malagasy States associated with this Community.

This is the second Convention of this kind concluded between the Community and the member States, on the one hand, and each of the associated countries concerned, on the other, in pursuance of the objectives of association set forth in the Rome Treaty.

While adhering to the same general underlying concept as the preceding Convention, signed in 1963 with a period of validity of five years, in particular the maintenance of the free-trade régime between the Parties, the new Convention includes such adjustments as are necessary to take account of both the evolution of the economic situation of the countries concerned and the new trends that have emerged at international level in the field of development aid.

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Communications to a similar effect have been received from governments associated with the European Economic Community.

The text of the Agreement is attached hereto.

CONVENTION OF ASSOCIATION  
BETWEEN  
THE EUROPEAN ECONOMIC COMMUNITY  
AND  
THE AFRICAN AND MALAGASY STATES  
ASSOCIATED WITH THAT COMMUNITY

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 and hereinafter referred to as "the Treaty", whose States are hereinafter referred to as "Member States", and

The Council of the European Communities, on the one hand, 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 Gabon 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 the Upper Volta,

whose States are hereinafter referred to as "Associated States" on the other hand,

HAVING REGARD TO the Treaty establishing the European Economic Community,

REAFFIRMING accordingly their desire to maintain their Association,

WISHING to demonstrate their common desire for co-operation on the basis of complete equality and friendly relations, observing the principles of the Charter of the United Nations,

RESOLVED to develop economic relations between the Associated States and the Community,

DETERMINED to pursue their efforts together with a view to the economic, social and cultural progress of their countries,

DESIROUS of furthering the industrialization of the Associated States and the diversification of their economies, with a view to enabling them to strengthen their economic independence and stability,

CONSCIOUS of the importance of the development of intra-African co-operation 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 of the Middle Classes

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Mr. Gerhard JAHN, Parliamentary State Secretary, Ministry of Foreign Affairs

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Yvon BOURGES, State Secretary, Ministry of Foreign Affairs

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr. Mario PEDINI, Deputy State Secretary, Ministry of 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 of 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 of Foreign Affairs and Co-operation

THE PRESIDENT OF THE FEDERAL REPUBLIC OF CAMEROON:

Mr. Vincent EFON, Minister of Planning and Development

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC:

Mr. Louis ALAZOULA, Minister of Industry, Mining and Geology

THE PRESIDENT OF THE REPUBLIC OF CHAD:

Mr. Abdoulaye LAMANA, Minister of Economics, Finance and Transport

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO:

Mr. Crispin KASASA, Deputy Minister of Foreign Affairs, responsible for External Trade

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

Mr. Charles SIANARD, Minister of Finance and Economics

THE PRESIDENT OF THE REPUBLIC OF DAHOMEY:

Mr. Daouda BADAROU, Minister of Foreign Affairs

THE PRESIDENT OF THE GABON REPUBLIC:

Mr. Emile KASSA MAPSI, Minister of State, the Gabonese Embassy to Benelux and the European Communities

THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST:

Mr. Konan BEDIE, Minister of Economic and Financial Affairs

THE PRESIDENT OF THE MALAGASY REPUBLIC:

Mr. Jacques RABEMANANJARA, Minister of State, Ministry of Foreign Affairs

THE HEAD OF STATE OF THE REPUBLIC OF MALI:

Mr. Jean-Marie KONE, Minister of State for Foreign Affairs and Co-operation

THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA:

Mr. Mokhtar Ould HAIBA, Minister of 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 of 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, Ministry of Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF TOGO:

Mr. Paulin EKLOU, Minister of Trade, Industry, Tourism and Planning

THE PRESIDENT OF THE REPUBLIC OF THE UPPER VOLTA:

Mr. Pierre-Claver DAMIBA, Minister of Planning and Public Works

WHO, having exchanged their Full Powers, found in good and due form,  
HAVE AGREED UPON THE FOLLOWING PROVISIONS:

## Article 1

The provisions of this Convention have as their object the promotion of co-operation between the Contracting Parties, with a view to furthering the economic and social development of the Associated States by increasing their trade and by putting into effect measures of financial intervention and technical co-operation.

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

## TITLE I. - TRADE

### Chapter I

#### CUSTOMS DUTIES AND QUANTITATIVE RESTRICTIONS

## Article 2

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

2. The provisions of paragraph 1 above shall not, however, prejudice the import treatment applied to:

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

The provisions of Protocol No. 1 to this Convention stipulate the conditions under which the Community shall determine the treatment to be applied, notwithstanding the general treatment in force vis-à-vis third countries, to the products referred to above, when such products originate in the Associated States.

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

## Article 3

1. Products originating in the Community shall be imported into each Associated State free of customs duties and charges having equivalent effect.

2. Each Associated State may, however, retain or introduce, under the terms of Protocol No. 2 to this Convention, customs duties and charges having equivalent effect which are necessary to meet their development needs or which are intended to contribute to their budgets.

3. Each Associated State shall grant identical treatment to products originating in each of the Member States.

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

#### Article 4

1. In so far as an Associated State levies duties on exports of its products to Member States, these duties may not give rise, de jure or de facto, to any direct or indirect discrimination between Member States.

2. Without prejudice to the application of Article 16(2), there shall be consultations within the Association Council if the application of such duties leads to serious disturbances in the conditions of competition.

#### Article 5

Without prejudice to the special provisions laid down in this Convention, each Contracting Party shall refrain from any measure or practice of an internal fiscal nature 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. The provisions of paragraph 1 above, however, shall not prejudice the import treatment accorded to the products referred to in Article 2(2a).

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

#### Article 7

1. Subject to the provisions of this Article, the Associated States shall not apply any quantitative restrictions or measures having equivalent effect to the importation of products originating in Member States.

2. The Associated States may, under the terms and in accordance with the procedure laid down in Protocol No. 3 to this Convention, retain or introduce quantitative restrictions or measures having equivalent effect on the importation 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 may not give rise, de jure or de facto, to discrimination between Member States.

4. Associated States in which imports come within the province of a State trading monopoly or of any public body which, de jure or de facto, directly or indirectly limits imports, shall take any steps necessary to attain the objectives 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 Association Council regarding the conditions of application of this Article.

#### Article 8

The provisions of Articles 6 and 7 shall not prejudice the treatment that any Contracting Party signatory to a world agreement accords to any product under such an agreement.

#### Article 9

The provisions of Articles 6, 7 and 8 shall not preclude prohibitions or restrictions on imports, exports or transit justified on grounds of public morality, public policy, public security, the protection of human or animal life or health, or plant preservation, the protection of national treasures possessing artistic, historic or archaeological value, or the protection of industrial or commercial property.

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

#### Article 10

1. The concept of "originating products", for the purposes of implementing this Title, and of the methods of administrative co-operation relating thereto, defined pursuant to the Convention of Association signed at Yaoundé on 20 July 1963, shall continue to apply.

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

3. In so far as, for any given 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 TRADE POLICY

#### Article 11

Without prejudice to special provisions for border trade or to Articles 12 and 13:

- (a) the treatment that the Associated States apply 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 country;
- (b) the treatment that the Associated States apply by virtue of this Title to their products on exportation to the Community shall not be less favourable than that applied to products exported to the most favoured third country.

#### Article 12

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

The Association Council shall be kept informed by the Associated States concerned.

#### Article 13

1. Each Associated State may maintain or establish customs unions or free-trade areas or conclude economic co-operation agreements with one or more African third countries at a comparable stage of development, provided that this does not lead to any change in the provisions concerning origin for the purpose of implementing this Convention.

The Association Council shall be kept informed by the Associated State or States concerned.

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



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 Association Council shall, in case of need, take any measures necessary for the smooth functioning of the Association. It may also make any recommendations deemed useful.

#### Article 14

Each Associated State may likewise maintain or establish customs unions or free-trade areas or conclude economic co-operation agreements with one or more other third countries, provided that such customs unions, free-trade areas or economic co-operation agreements are or remain compatible with the provisions of this Convention, and in particular of Article 11 thereof, and with those adopted in implementation of Article 10.

The Association Council shall be kept informed by the Associated State or States concerned.

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

#### Article 15

1. The Contracting Parties shall inform each other of any measures they envisage taking in the matter of trade policy vis-à-vis third countries if these measures are likely to harm 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 Association Council.

3. The Association Council shall determine the information and consultation procedure for implementing this Chapter.

### Chapter III

#### SAFEGUARD CLAUSES

#### Article 16

1. If serious disturbances occur in a sector of the economy of one or more Associated States or jeopardize their external financial stability, or if difficulties arise which result in a deterioration in the economic situation of a region in one or more Associated States, the Associated State or States concerned may take the necessary protective measures.

These measures and the methods of applying them shall be notified immediately to the Association Council.

2. If serious disturbances occur in a sector of the economy of the Community or of one or more of its Member States, or jeopardize their external financial stability, or if difficulties arise which result in a deterioration in the economic situation of a region in the Community, the latter may take, or may authorize the Member State or States concerned to take, the necessary protective measures.

These measures and the methods of applying them shall be notified immediately to the Association Council.

3. For the purpose of implementing paragraphs 1 and 2 above, priority shall be given to such measures as would least disturb the functioning of the Association. These measures shall not exceed the limits of what is strictly necessary to remedy the difficulties that have arisen.

4. There may be consultations with the Association Council regarding measures taken in implementation of paragraphs 1 or 2 above.

## TITLE II. - FINANCIAL AND TECHNICAL CO-OPERATION

### Article 17

Under the conditions stated in this Title and in Protocol No. 6 to this Convention, the Community shall participate in measures calculated to promote the economic and social development of the Associated States, by supplementing the efforts achieved by those States.

### 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 referred to as "the Fund";
  - 748 million units of account shall be used in the form of grants,
  - 80 million units of account shall be used in the form of loans on special terms and contributions to the formation of risk capital, in particular in the form of share-holdings;
- (b) up to 90 million units of account by the European Investment Bank, hereinafter referred to as "the Bank", in the form of loans granted under 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 rebates on interest relating to loans made by the Bank to the Associated States after 1 June 1964 shall be charged to the amount of the grants.

Article 19

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

- investments in the fields of production and of the 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;
- general technical co-operation activities or technical co-operation activities linked with investments;
- operations encouraging the marketing and the promotion of sales of products exported by the Associated States.

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

- the desirability of carrying out integrated schemes by means of a convergent use of these measures;
- the development difficulties peculiar to each Associated State in view of its natural conditions;
- the desirability of promoting regional co-operation among Associated States and possibly between these and one or more neighbouring States.

Article 20

1. Further, with a view to helping the Associated States to deal with special and extraordinary difficulties creating an exceptional situation, having serious repercussions on their economic potential, and resulting either from a fall in world prices or from calamities such as famine or floods, a reserve fund shall be established, constituted from the sum set aside for grants in Article 18.

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

2. The fund provided for in paragraph 1 shall initially be constituted by a sum of 20 million units of account.

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

The additional amounts paid in, excluding the initial sum, shall not exceed 45 million units of account.

If, however, at the end of the third year, by reason of the extent of the difficulties referred to in paragraph 1, the amounts provided for are obviously insufficient, the Association Council may decide to transfer a sum of not more than 15 million units of account from the grants provided for in Article 18 to the aid provided for in this Article.

#### Article 21

The Community may grant advances from the liquid assets of the Fund up to a ceiling of 15 million units of account, in order to contribute to alleviating the consequences of temporary fluctuations in world prices.

#### Article 22

1. The Associated States shall inform the Commission, in so far as possible as soon as this Convention enters into force, of their development plans and programmes and of the intervention measures for which they intend to request financial aid from the Community.

They shall communicate any later amendments.

2. A file shall be transmitted to the Community for each scheme or programme for which financing is requested pursuant to Article 19 and 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 regional or inter-State enterprise or body concerned, as appropriate.

The Community may, however, propose schemes or programmes for technical co-operation. It shall first secure the consent of the Associated State or group of Associated States concerned on the broad outlines of such schemes or programmes.

#### Article 23

The Community shall examine the requests for financing that are brought before it pursuant to the provisions of Article 22. It shall maintain such contacts with the Associated States concerned as it may require in order that its decisions on the schemes or programmes submitted to it may be formulated 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 such a way as 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 regarding its request.

#### ARTICLE 24

Aid contributed by the Community for the purpose of carrying out certain schemes 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 or of the Member States, or third countries or international finance organizations may take part.

#### ARTICLE 25

1. Under the terms laid down in Articles 22 and 24, those entitled to benefit from the various forms of Community aid provided for in Article 19 shall be, as appropriate, the Associated States, legal persons in the Member States or the Associated States who are non profit-making in their main capacity, who have a status of general interest, and who are subject in those States to government inspection; producer groups or similar bodies approved by the Community and by the Associated States or, failing such groups and bodies, and on exceptional grounds, the producers themselves; regional or inter-State bodies of which Associated States are members.

The following shall also be entitled to benefit:

- (a) from grants devoted to general technical co-operation activities: the specialized bodies and institutions or, on exceptional grounds, enterprises training specialists for third parties, and scholars, trainees or people taking part in training sessions;
- (b) from loans from the Bank and the rebates on interest thereon, from loans on special terms or from contributions to the formation of risk capital, as well as possibly from grants made for technical co-operation activities linked with investments: enterprises operating in accordance with industrial and commercial management methods and incorporated in an Associated State within the meaning of Article 35, second paragraph.

2. The recipients of the aid referred to in Article 20 shall be the Associated States. The procedure for distributing this aid shall be decided upon by common consent between the Community and the Associated State or States benefiting therefrom.

Article 26

1. As regards operations financed by the Community, participation in the letting out of contracts, invitations for tenders, purchasing and other contracts shall be open, on equal terms, to all natural and legal persons who are nationals of the Member States or the Associated States.
2. The provisions of paragraph 1 shall not prejudice measures intended to encourage the participation of industrial or handicrafts production or works enterprises of the Associated State concerned, or of another Associated State in the same area, in the carrying out of public works contracts of limited size or of contracts for supplies of which there is a local production.

Article 27

The fiscal and customs arrangements applicable in the Associated States to contracts financed by the Community shall be laid down by a decision of the Associated Council at its first meeting after the date of entry into force of this Convention.

Article 28

1. The amounts allocated for financing schemes or programmes under the provisions of this Title shall be utilized in accordance with the purposes decided upon and shall be expended to the best economic advantage.
2. The management and upkeep of the economic and social infrastructure and of the production equipment set up by means of Community aids shall be the responsibility of the beneficiaries.

Article 29

The Association Council shall lay down the general pattern for financial and technical co-operation within the framework of the Association on the basis, in particular, of an annual report to be submitted to it by the Commission on the administration of the Community's financial and technical aid. This report shall take into account the experience gained and the contacts 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 indicate the situation as regards the commitment, implementation and utilization of the aid, by type of financing and by recipient State. It shall point out any disparities and other imperfections noted, particularly as regards the principles set out in Article 19 (2).

Article 30

If any Associated State should fail to ratify the Convention under the terms set out in Article 59, or should denounce the Convention in accordance with Article 64, it shall then be obligatory upon the Contracting Parties to adjust the amounts of the financial aids provided for in this Convention.

TITLE III.- RIGHT OF ESTABLISHMENT, SERVICES, PAYMENTS AND CAPITAL

Article 31

The treatment granted by each Associated State in the matter of the right of establishment or the provision of services shall not result, de jure or de facto, either directly or indirectly, in any discrimination between nationals or companies of each of the Member States.

Nevertheless, in an Associated State, nationals and companies of a Member State may benefit from the provisions of the preceding paragraph in respect of a given activity only in so far as the State to which they belong grants similar advantages for the same activity to the nationals and companies of the Associated State in question.

Article 32

Should an Associated State grant nationals or companies of a State which is neither a Member State nor an Associated State within the meaning of this Convention, more favourable treatment than that which implementation of the provisions of this Title affords to nationals, such treatment shall be extended to nationals or companies of the Member States, excepting where it arises out of regional agreements.

Article 33

Without prejudice to the provisions relating to movements of capital, the right of establishment within the meaning of this Convention shall include the right to engage in and to exercise self-employed activities; to set up and manage undertakings and, in particular, companies; and to set up agencies, branches or subsidiaries.

Article 34

Services within the meaning of this Convention shall be deemed to be services normally provided against remuneration, provided that they are not governed by the provisions relating to trade, the right of establishment, or movements of capital. Services shall include in particular activities of an industrial character, activities of a commercial character, artisan activities and activities of the liberal professions, excluding activities of employed persons.

Article 35

Companies within the meaning of this Convention shall be deemed to be companies under civil or commercial law, including co-operative societies and other legal persons under public or private law, but not including non profit-making bodies.

"Company of a Member State or of an Associated State" shall mean any company constituted in accordance with the law of a Member State or of an Associated State and having its registered office, central administration or main establishment in a Member State or in an Associated State; nevertheless, should it have only its registered office in a Member State or in an Associated State, its business must have an effective and continuous link with the economy of that Member State or of that Associated State.

#### Article 36

At the request of the Community or of the Associated States, the Association Council shall examine any problems raised by the application of Articles 31 to 35. It shall furthermore take any decisions or make any recommendations required for such application.

#### Article 37

Each Signatory State undertakes, to the full extent of its powers, to authorize payments relating to trade in goods, to services and capital and to wages, as also the transfer of such payments to the Member State or Associated State in which the creditor or the beneficiary is resident, in so far as the movement of such goods, services, capital or persons has been liberalized in implementation of this Convention.

#### Article 38

Throughout the whole duration of the loans, advances and share-holdings referred to 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 foreign currency necessary for the repayment of capital, interest and commissions on loans granted for schemes to be carried out in their territory and for the repayment of advances granted to the bodies whose function it is to alleviate the consequences of fluctuations in the prices of products;
- to make available to the Bank the foreign currency required for the transfer of all the sums representing the income and profits from operations contributing to the formation of the risk capital of undertakings.

#### Article 39

1. The Associated States shall make every endeavour to apply liberal exchange arrangements as regards investments and current payments connected with the movements of capital resulting therefrom when these are made by persons residing in the Member States.



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

Article 40

The Association Council shall formulate any appropriate recommendations to the Contracting Parties concerning the implementation of Articles 37, 38 and 39.

TITLE IV.- THE INSTITUTIONS OF THE ASSOCIATION

Article 41

The Institutions of the Association shall be:

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

Article 42

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

Any member of the Association Council prevented from attending may be represented. The representative shall exercise all the rights of the accredited member.

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

Article 43

The office of President of the Association Council 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

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

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

Article 45

The Association Council shall act by mutual agreement between the Community on the one hand and the Associated States on the other.

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

Article 46

In the cases covered by this Convention, the Association Council shall have the power to take decisions; such decisions shall be binding on the Contracting Parties, who must take such measures as are required to implement these decisions.

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

The Association Council shall periodically review the results of the Association arrangements, taking into account the objectives of this Association.

The Association Council shall lay down its rules of procedure.

Article 47

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

Article 48

The Chairman of the Association Committee shall be provided by the State which is presiding over the Association Council.

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

Article 49

1. In its rules of procedure the Association Council shall define the duties and powers of the Association Committee, with the object, in particular, of ensuring the continuity of co-operation necessary for the smooth functioning of the Association.

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

In this event, the Committee shall give its decisions in accordance with the terms of Article 45.

Article 50

The Association Committee shall account for its actions to the Association Council, particularly in matters which have been the subject of a delegation of powers.

It shall also submit any pertinent proposal to the Association Council.

Article 51

The duties of the Secretariat of the Association Council and the Association Committee shall be carried out on a basis of parity and in accordance with the rules of procedure of the Association Council.

Article 52

The Parliamentary Conference of the Association shall meet once a year. It shall be composed, on a basis of parity, of members of the European Parliament and of members of the Parliaments of the Associated States.

Each year the Association Council shall submit a report on its activities to the Parliamentary Conference.

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

The Parliamentary Conference shall be prepared by a Joint Committee set up on a basis of parity.

Article 53

1. Any dispute concerning the interpretation or the application of the present Convention which arises between one Member State, several Member States or the Community on the one hand, and one or more Associated States on the other, shall be submitted by one of the parties to the dispute to the Association Council, which shall seek an amicable settlement at its subsequent meeting. If the Association Council cannot achieve such a settlement and if the parties to the dispute fail to agree upon an appropriate solution, the dispute shall, at the request of the earliest petitioner, be submitted to the Court of Arbitration of the Association.

2. The Court of Arbitration shall be composed of five members: a President who shall be appointed by the Association Council and four judges chosen from among persons whose independence and competence can be fully guaranteed. The judges shall be appointed by the Association Council within three months after the entry into force of the Convention and for the duration thereof. Two of the judges shall be nominated by the Council of the European Communities and the other two by the Associated States. For each judge, following the same procedure, the Association Council shall appoint an alternate who shall sit in the event of the accredited judge being unable to do so.

3. The Court of Arbitration shall act by majority vote.
4. The decisions of the Court of Arbitration shall be binding on the parties to the dispute who shall be under the obligation to take all necessary measures to carry them out.
5. The Statute of the Court of Arbitration is contained in Protocol No. 8 to this Convention. On the proposal of the Court of Arbitration, the Association Council may make any amendment to the said Statute.
6. The Court of Arbitration shall adopt its rules of procedure at its first session.

#### Article 54

The Association Council may make any appropriate recommendation for the purpose of facilitating contacts between the Community and the representatives of the various trades and professions of the Associated States.

#### Article 55

The operating expenses of the Institutions of the Association shall be defrayed in accordance with the terms set out 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 may impede the implementation of the provisions of this Convention.

#### Article 57

This Convention shall apply to the European territory of the Member States on the one hand, and to the territory of the Associated States on the other.

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 provisions of 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 give notice thereof to the Signatory States.

#### Article 59

1. This Convention shall enter into force on the first day of the month following the date on which the instruments of ratification of the Member States and of at least fifteen of the Associated States, and the act of notification of the conclusion of the Convention by the Community, have been deposited.
2. Any 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 proceed with this ratification only during the twelve months following such entry into force, unless before the expiry of this period it gives notice to the Association Council of its intention to ratify the Convention not later than six months after this period, and on condition that it deposits its instruments of ratification within the same time limit.
3. As regards those States which have not ratified the Convention by the date of its entry into force as laid down 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.

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

4. The rules of procedure of the institutions of the Association shall lay down if and under what conditions the representatives of Signatory States which, on the date of entry into force of the Convention, have not yet ratified it, shall sit in the institutions of the Association as observers. The arrangements thus adopted shall only be effective until the date on which the Convention becomes applicable to these States; in any case, they shall cease to apply on the date on which, according to the terms of paragraph 2 above, the State concerned is no longer able to proceed with the ratification of the Convention.

#### Article 60

1. The Association Council shall be informed of any request for membership of or association with the Community made by any State.
2. Any request for association with the Community made 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 Association Council, shall be the subject of consultations within the Association Council.

3. An association agreement between the Community and any State covered by the previous paragraph 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, provided always that the agreement which associates it with the Community may determine the date on which certain of these rights and obligations shall become applicable to it.

Such accession shall not adversely affect the advantages accruing to the Associated States signatories to this Convention from the provisions relating to financial and technical co-operation.

#### Article 61

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

#### Article 62

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

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

#### Article 63

The Community and the Member States shall undertake the obligations set out in Articles 2 and 6 with respect to Associated States which, on the grounds of international obligations applying at the time of entry into force of the Treaty and subjecting them to a particular customs treatment, may 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 terminated by the Community in respect of each Associated State, and by each Associated State in respect of the Community, upon six months' notice.

#### Article 65

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

Article 66

The present Convention, drawn up in a single original in the German, French, Italian and Dutch 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 the Government of each of the Signatory States.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have affixed their signatures below this Convention.

Done at Yaoundé, on 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

Provided that the European Economic Community shall be finally bound only after the other Contracting Parties have been notified that the procedures required by the Treaty establishing the European Economic Community have been completed.

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 Gabon Republic,  
Emile KASSA MAPSI

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

For the President of the Malagasy Republic,  
Jacques RABEMAMANJARA

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 the Upper Volta,  
Pierre-Claver DAMIBA

#### PROTOCOLS

#### PROTOCOL NO. 1

#### concerning the implementation of Article 2(2) of the Convention of Association

#### THE HIGH CONTRACTING PARTIES

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

#### Article 1

1. After consultation within the Association Council, the Community shall determine, case by case, what treatment is to be accorded to imports of each of the products or groups of products referred to in Article 2(2) of the Convention, when such products originate in the Associated States, where these States have an economic interest in exporting the said 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, if, in respect of a specific product, the economic situation of the Community so justifies, the latter may, by way of exception, refrain from according special treatment to imports of that product from the Associated States.

#### Article 2

If the products referred to in Article 2(2a) of the Convention are liable to customs duties at the time of importation into the Community and if no provision concerning trade in those products with third countries is laid down under the common agricultural policy, imports of such products into the Community shall, notwithstanding the provisions of Article 1 above and provided that these products originate in the Associated States, be governed by the provisions of Article 2(1) of the Convention.

#### Article 3

1. The treatment established for the various products on the basis of this Protocol shall be applied 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, after consultation within the Association Council, to change the treatment established.

In such an event, the Community undertakes, in the framework of the new treatment, to maintain advantages for the Associated States comparable with those they enjoyed previously.

### PROTOCOL NO. 2

#### concerning the implementation of Article 3 of the Convention of Association

THE HIGH CONTRACTING PARTIES

HAVE AGREED upon the following provisions, which are 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;

- the needs of their economic development, in particular where necessary to encourage the setting up of branches of production for the purpose of raising the country's general standard of living;
- the need to achieve equilibrium in their balance of payments and to alleviate such difficulties as arise in the main from their efforts to expand their domestic markets and from the instability of their terms of trade;
- the necessity of achieving a sustained growth of their country's receipts from exports.

#### Article 2

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

In this communication, each Associated State shall specify those duties and charges having equivalent effect which remain applicable to products originating in the Community by virtue of the provisions of Article 3(2) of the Convention.

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

#### Article 3

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

This communication shall be accompanied by economic and financial information making it possible to assess the need to introduce or retain such measures.

2. At the request of the Community, there shall be consultations within the Association Council on the measures referred to in paragraph 1, before their entry into force. If these consultations are not held within a period of two months after the date of the communication, the Associated State in question may apply the intended measures.

In a justified emergency, these measures may be put into force provisionally before consultations are held, provided that the Association Council is informed at the same time.

Article 4

1. With a view to the levying of customs duties and charges having equivalent effect which are retained or introduced in accordance with Article 3(2) of the Convention, the dutiable value to be taken into consideration shall be the effective value of the goods, at the time and place of their introduction into the customs territory, for a sale made under conditions of full competition between an independent buyer and an independent seller.

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

PROTOCOL NO. 3

concerning the implementation of Article 7  
of the Convention of Association

THE HIGH CONTRACTING PARTIES

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

Article 1

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

Article 2

1. The quantitative restrictions and measures having equivalent effect in force at the time of the entry into force of the Convention which are retained by the Associated States in accordance with Article 7(2) of the Convention shall be communicated to the Association Council not later than three months after the entry into force of the Convention, accompanied by all the explanations required to enable the need for retaining them to be assessed.

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

2. Quantitative restrictions and measures having equivalent effect which the Associated States intend to introduce in accordance with Article 7(2) of the Convention shall be communicated to the Association Council in good time, accompanied by all the explanations required to enable the need for introducing them to be assessed.

The Community may, within a period of one month, request consultations within the Association Council.

In a duly justified emergency, and in particular when agricultural products of the Associated States are concerned, these measures may be put into force provisionally before consultations are held, provided that the Association Council is informed at the same time.

3. The Association Council shall hold the consultations referred to in paragraphs 1 and 2 within a period of not more than two months after the date of the communication. If these consultations are not held within this period, the Associated State concerned may retain or introduce the measures in question.

#### Article 3

The measures referred to in Article 2 shall be applied subject to the retention by the Associated State concerned of import possibilities open without discrimination to products originating in the Community.

These measures shall be progressively relaxed in such a way as to disappear, in so far as possible, by the end of a period to be fixed in each case.

#### Article 4

If the disposal of a particular product meets with difficulties on the domestic market of an Associated State, that State may, notwithstanding Article 3 and subject to prior consultations being held within the Association Council, suspend imports of this product for a limited period, to be determined in each case, provided that the Associated State can prove the existence of these difficulties and supply all the explanations required to enable the need to prohibit imports to be assessed.

#### PROTOCOL NO. 4

concerning the implementation of the Convention of Association  
and the establishment of international agreements  
on the granting of general preferences

THE HIGH CONTRACTING PARTIES,

desirous of stating clearly their position on the compatibility of the preferences granted to the European Economic Community by the Associated States with the generalized preferences in the framework of the United Nations Conference on Trade and Development.

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

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

PROTOCOL NO. 5

concerning measures to be taken by the High Contracting Parties  
concerning their mutual interests  
with particular regard to tropical products

THE HIGH CONTRACTING PARTIES

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

1. The Contracting Parties agree to take into account their mutual interests at international level, in accordance with the principles forming the basis of the Convention.
2. To this end, they shall ensure the necessary co-operation, particularly by means of consultations within the Association Council, and shall give each other all possible assistance.
3. Such consultations shall take place more particularly with a view to undertaking appropriate measures, by common consent and at international level, to solve the problems that arise out of the disposal and marketing of tropical products.

PROTOCOL NO. 6

concerning the administration of Community aids

THE HIGH CONTRACTING PARTIES

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

Chapter 1

NATURE OF THE OPERATIONS

Article 1

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

- (a) directly productive investments, in particular in the fields of industry and tourism;
- (b) development measures concerning the economy of rural areas, in particular measures to improve production structures, to diversify production and to increase productivity, especially by means of short-term measures. These development measures may include some applied research within the framework of integrated projects;
- (c) investments in the economic and social infra-structure, including a basic infra-structure for industry and handicrafts.

Article 2

The technical co-operation linked with investments provided for in Article 19 of the Convention shall in particular comprise:

- (a) development planning and special and regional development studies;
- (b) technical, economic and commercial studies, and research and field studies required to prepare schemes;
- (c) help in preparing files;
- (d) help with the carrying out and supervision of work;
- (e) temporary help in setting up, starting and running particular investments or units of equipment, including, in so far as necessary, training of the staff responsible for the operation and maintenance of the investments and equipment;
- (f) temporary responsibility for technicians and the supply of consumer goods required for the proper implementation of investment schemes.

Article 3

The general technical co-operation provided for in Article 19 of the Convention shall in particular comprise:

- (a) the provision of grants for study, training schemes and correspondence courses for the training and advanced vocational instruction of nationals of the Associated States, to be carried out in principle in these States;
- (b) the organization of specialized training programmes in the Associated States, in particular for the staff of the public services and establishments of the Associated States or of business undertakings;
- (c) the sending to the Associated States, at the latter's request, of experts, advisers, technicians and instructors from the Member States or the Associated States for a specific assignment and for a fixed period;
- (d) the supply of materials for experiments and demonstrations;
- (e) the organization of short training courses for nationals of the Associated States and of advanced courses for civil servants of these States;

- (f) sectorial studies;
- (g) studies of the prospects, and of the means to be employed, for the development and diversification of the economies of the Associated States, and of problems of interest to the Associated States as a whole;
- (h) general information and documentation for the purpose of encouraging the economic and social development of the Associated States, the development of trade between these States and the Community, and the proper achievement of the objectives of financial and technical co-operation.

#### Article 4

The aid for marketing and sales promotion provided for in Article 19 of the Convention shall be intended:

- (a) to improve the structures and methods of working of the bodies, departments or undertakings participating in the development of the foreign trade of the Associated States, or to encourage the setting up of such bodies, departments or undertakings;
- (b) to encourage the participation of the Associated States in international trade fairs and exhibitions;
- (c) to train foreign trade and sales promotion specialists;
- (d) to engage in market research and market studies and to encourage their use;
- (e) to improve the dissemination of information in the Community and in the Associated States with a view to developing trade.

#### Chapter II

#### FINANCING PROCEDURE

#### Article 5

1. Schemes and programmes shall be financed by grants, by loans on special terms, by loans from the Bank, possibly carrying a rebate on interest, or by several of these methods simultaneously.

Further, undertakings operating in accordance with industrial and commercial management methods may benefit, for their investments, from contributions to the formation of their risk capital.

2. However, the technical co-operation activities provided for in Articles 2, 3 and 4 of this Protocol and the aid provided for in Article 20 of the Convention shall be financed by grants.

#### Article 6

Loans for the financing of economic investment projects shall be granted directly to their beneficiary or possibly through the intermediary of the State concerned or of a national or multinational development financing body acting as a financial intermediary.

The conditions and procedure for the grant of these loans by the intermediary borrower to their final beneficiary shall be decided upon simultaneously and by common consent between the intermediary borrower and the Community institutions responsible for the granting of the loan.

#### Article 7

1. Loans on special terms shall be used for financing the whole or part of investment schemes of general interest to the economy of the Associated State in whose territory they are to be carried out, in so far as the earning capacity of such schemes and the credit-worthiness of the Associated State concerned permit of such financing.

2. Such loans may be granted for a maximum period of forty years and may carry deferment of amortization for a maximum period of ten years. They shall enjoy favourable terms of interest.

3. The Community shall lay down the terms under which loans are to be granted and the procedures for effecting and recovering them.

#### Article 8

1. The Bank shall examine the eligibility of schemes, and shall grant loans from its own resources, in accordance with the terms, conditions and procedures laid down in its Statute, while taking the credit-worthiness of the State concerned into consideration.

2. The length of the amortization period for each loan made by the Bank shall be determined on the basis of the economic and financial characteristics of the scheme in question: this period may not exceed twenty-five years.

3. The interest rate applied shall be that employed by the Bank at the time of the signature of the loan. The rebates which such loans may carry may not reduce the effective interest rate to be borne by the beneficiary to less than 3 per cent. However, in the case of loans granted through the intermediary of development financing bodies under governmental control, the minimum rate to be borne by the intermediary borrower may not be less than 2 per cent.



4. The total sum of the rebates on interest calculated at its value at the time of the signature of the loan, at a rate and in accordance with a procedure to be determined by the Community, shall be paid directly into the Bank.

#### Article 9

With a view to aiding the carrying out of schemes of general interest to the economy of the Associated State in whose territory they are to be carried out, the Community may contribute to the formation of risk capital, to the benefit of the beneficiaries referred to in Article 25 of the Convention, by backing up their own funds by taking up share-holdings or by other appropriate methods.

These contributions shall constitute only a minority stake. They may be made together with a loan from the Bank or in exceptional cases with a loan on special terms.

#### Article 10

Requests relating to the aid provided for in Article 20 of the Convention shall, when submitted to the Community, be accompanied by all the economic and financial data required to assess the consequences, for the economy of the State concerned, of the special and extraordinary difficulties which could provide the grounds for granting the Community's exceptional aid.

In particular, when these difficulties are the result of a fall in world prices, the place occupied by the product or products concerned in the economy of the State in question, and the economic situation of that State, shall be taken into account in the granting of such aid.

#### Article 11

1. Requests for advances as provided for in Article 21 of the Convention shall be submitted either by national or inter-State bodies concerned with alleviating the consequences of fluctuations in the prices of products, or by producer groups, with the consent of the Associated State or States concerned.
2. Advances may have a maximum term of three years, which shall be independent of the period of application of the Convention. They shall be exempt from interest within the limits of the repayment periods specified.
3. The repayment of advances and the payment of any delayed repayment forfeits shall be guaranteed by the Associated State or States concerned.

Chapter III

UTILIZATION OF THE AIDS

Article 12

1. The files referred to in Article 22(2) of the Convention shall be transmitted to the Community through the intermediary of the Commission.

However, schemes for which a loan, possibly carrying a rebate on interest, is requested from the Bank, or for which a contribution to the formation of risk capital is requested, shall be transmitted to the Bank.

2. The method of financing indicated in the request shall not prejudice the financing procedure decided upon by the Community.

Article 13

1. Financial aid may be used to cover import expenses and local expenditure required to carry out approved investment schemes.

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

Article 14

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

Article 15

The Community and the Associated States shall collaborate in all measures necessary to ensure that the amounts assigned by the Community are utilized in accordance with the provisions of Articles 26 and 28 of the Convention.

Article 16

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

Article 17

1. The competent authorities of the Associated States shall be responsible for the carrying out of the schemes presented by their respective Governments and financed by the Community. Further, undertakings and regional or inter-State bodies shall be responsible for the carrying out of schemes they have submitted.

2. The Governments of the Associated States and, where appropriate, the specialized institutions or other specialized bodies of the Member States or the Associated States, shall be responsible for the carrying out of the technical co-operation activities presented by their Governments.

Article 18

Financial and administrative expenses arising out of the administration of the Fund, as also the costs of supervising schemes and programmes, shall be charged to the resources set aside for grants.

Article 19

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

PROTOCOL NO. 7

concerning the value of the unit of account

THE HIGH CONTRACTING PARTIES

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

Article 1

The value of the unit of account used to express sums in the Convention of Association or in the provisions adopted in implementation of this Convention shall be 8.88867088 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 this unit of account and the weight of fine gold corresponding to the parity of such currency as declared to the International Monetary Fund. Should there be no declared parity, or should the rates of exchange applied to current payments differ from the parity by a margin greater than that authorized by the Monetary Fund, the weight of fine gold corresponding to the parity of the currency shall be calculated on the basis of the rate of exchange applied in the Member State, for current payments, on the date of the calculation, to a currency directly or indirectly defined and convertible into gold, and on the basis of the parity of that convertible currency as declared to the Monetary Fund.

Article 3

The unit of account, as defined in Article 1 above, shall remain unchanged throughout the whole effective duration of the Convention. However, if before the date of expiry of the Convention there should ensue a uniformly proportionate alteration in the parity of all currencies in relation to gold, by a decision of the International Monetary Fund, under Article 4, section 7 of its Statute, then the weight of fine gold defining the unit of account shall vary in inverse ratio to such alteration.

If one or more Member States should not implement the decision of the International Monetary Fund referred to in the preceding paragraph, the weight of fine gold defining the unit of account shall vary in inverse ratio to the alteration decided upon by the International Monetary Fund. However, the Council of the European Communities shall examine the situation thus created and, on a proposal of the Commission and after obtaining the opinion of the Monetary Committee, shall take the necessary measures by qualified majority vote.

PROTOCOL NO. 8

concerning the Statute of the Court of Arbitration  
of the Association

THE HIGH CONTRACTING PARTIES

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

Article 1

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

Chapter I

MEMBERS OF THE COURT

Article 2

Judges and alternate Judges shall be appointed for the duration of the Convention. In the event of the death or resignation of a Judge or an alternate Judge, the President of the Court shall notify the Association Council, which shall immediately appoint a new Judge or alternate Judge on nomination by the Council of the European Communities or by the Associated States, as the case may be.

Judges and alternate Judges who have resigned shall remain in office until their successor has been appointed.

Article 3

Members or alternate members of the Court shall take a public oath to discharge their duties conscientiously and with complete impartiality and to preserve the secrecy of the deliberations. This oath shall be taken, in the form prescribed by the national legislation of each member or alternate member, during the first public sitting following their appointment.

Article 4

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

If the President resigns, he shall remain in 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 take part in the judgment of a particular case, he shall so inform the Court, which shall decide in the matter.

If the President considers that one of the Judges of the Court should not, for some special reason, take part in the judgment of a particular case, he shall lay the matter before the Court, which shall decide 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 his demise, the Association Council may assign a person to replace him provisionally in respect of all or part of his functions.

Article 8

In the interest of the Court's performance of its duties, the members of the Court shall enjoy the privileges, immunities and facilities normally accorded to the members of international law courts and international arbitral tribunals.

In this connexion, they shall enjoy 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.

With the exception of the immunity protecting the acts referred to in the preceding paragraph, the Court may suspend the immunities provided for in this Article.

## Chapter II

### ORGANIZATION AND SERVICES OF THE COURT

#### Article 9

The Court shall sit where the Court of Justice of the European Communities sits.

#### Article 10

The operation of the services of the Court and in particular of its Registry shall be ensured by the services of the Court of Justice of the European Communities.

## Chapter III

### THE OPERATION OF THE COURT

#### Article 11

The Court shall convene in sessions whenever the need arises, at the notice of its President.

In order to be valid, the Court's sessions and deliberations shall be attended by the President and by four Judges.

An alternate Judge who is called upon to sit on the Court in a dispute shall continue to do so until the dispute is resolved.

#### Article 12

Parties to a dispute shall be represented by one or more agents appointed to this effect. The agent may be assisted by a legal adviser or a qualified legal representative who is admitted to the Bar in a Member State or an Associated State, or by a University teacher being a national of a Member State or Associated State whose domestic law gives him the right of audience.

#### Article 13

Agents, legal advisers and qualified legal representatives who appear before the Court shall enjoy the usual privileges and immunities throughout the duration of their functions, including time spent in travelling for the performance thereof.

In this connexion they shall in particular enjoy legal immunity in respect of statements or writings relating to the proceedings.

The Court may suspend the privileges and immunities provided for in the first paragraph above, where it considers that such suspension is not contrary to the interests of the proceedings.

#### Article 14

The procedure shall be contentious; the details thereof shall be established by the present Statute and by the Rules of Procedure of the Court.

#### Article 15

Proceedings before the Court shall be instituted by a petition to which the defendant shall be allowed to reply within a time-limit set by the President.

The petition shall contain:

- a statement of the subject at dispute;
- a summary of the facts establishing that an amicable settlement has not been obtained from the Association Council and that the parties have not reached an appropriate settlement of the dispute;
- the submissions of the petitioning party;
- a summary statement of the arguments at law.

#### Article 16

The Registry shall transmit a copy of the petition to the Association Council which shall notify it to the Member States, to the Community and to the Associated States, who may present to the Court their observations in writing; they may do so up to the closure of the written proceedings provided for by the Rules of Procedure, without being considered as becoming parties to the dispute thereby.

Where the present Statute provides for the opening of oral proceedings, States which have submitted written observations are entitled to be represented before the Court. The same provision shall 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 be reasoned and shall name the members who took part in the deliberations and decisions.

They shall be read in open court.

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

#### Article 19

Proceedings before the Court, both written and oral, may be in any of the four languages specified by Article 66 of the Convention. The translation of documents and pleadings shall be undertaken, under the responsibility of the Registry, whenever such translation is requested by one of the parties or by a Member State or an Associated State which has availed itself of the provisions of Article 16.

#### Article 20

The Court may make formal inquiries, or order such inquiries to be made.

Witnesses duly summoned shall comply with the summons and shall report at the sitting.

The Court may report to the domestic authorities cases of perjury, default of witnesses or their subornation.

Article 21

The Court may request the parties to submit all documents and to furnish all information which it deems desirable.

The Court may likewise ask the Association Council, the Community, the Member States and the Associated States who are not parties to the dispute, to furnish all information it considers necessary for the settlement of the dispute.

Article 22

Whenever the Court decides, either at the request of one of the parties or on its own authority, to have recourse to special means of inquiry, it shall order the parties or one of the parties to deposit, in a special account, advances which it considers necessary for carrying out such inquiries.

When deciding on costs, the Court shall rule on the apportioning of this sum.

Article 23

Recoverable costs shall be actual expenditures incurred by the parties in order to defend their rights, especially the travel and subsistence expenses and remuneration of an agent or a lawyer representing or assisting the parties in Court, as well as costs relating to the special means of inquiry within the meaning of Article 22.

Chapter IV

OPERATING EXPENSES OF THE COURT

Article 24

The travel and subsistence expenses of the members of the Court, mentioned 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 Court of Arbitration shall forward to the Association Council a detailed account of the sums paid out for this purpose together with a special report on expenditures incurred and all documentary evidence relating thereto.

This account shall be approved by the Association Council which shall order the repayment thereof within two months of its decision. Such payment shall be met as to one half by the Community, and as to the other half, shall be divided among 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 and the preparation of its work, as also the implementation of the measures adopted for its application,

Whereas it is necessary, under these conditions, to lay down the privileges and immunities which may be claimed by persons participating in work relating to the application of the Convention, and 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 Co-ordinating 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 co-ordinating body for the Associated States a Co-ordinating Council, composed of the African and Malagasy members of the Association Council set up by the Convention of Association, assisted by a Co-ordinating Committee composed of the African and Malagasy members of the Association Committee set up by the said Convention, whereas this Council and this Committee are to be assisted by a Co-ordinating Secretariat, and whereas Article 2 of the said Internal Protocol recognizes the Co-ordinating Council as having legal personality,

HAVE AGREED upon the following provisions, which are 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 of the Co-ordinating Secretariat taking part, on the territory of the Member States or of the Associated States, in the work either of the Institutions of the Association or of the co-ordinating bodies, or in work connected with the application of the Convention, shall enjoy the customary privileges, immunities and facilities while carrying out their duties and while travelling to or from the place at which they are required to carry out such duties.

The provisions of the preceding paragraph shall also apply to the members of the Parliamentary Conference of the Association, to the Members of the Court of Arbitration of the Association, to the officials and employees of these institutions, and also to the members of the organs of the European Investment Bank and to its staff.

Chapter II

PROPERTY, FUNDS AND ASSETS OF THE CO-ORDINATING COUNCIL

Article 2

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

Except in so far as required for the purposes of any investigation following upon an accident caused by a motor vehicle belonging to the said Council or being used on its account, or in the event of any infringement of road traffic regulations or of any accident caused by such a vehicle, the property and assets of the Co-ordinating Council shall not be the subject of any administrative or legal measure of constraint without the authorization of the Court of Arbitration of the Association.

Article 3

The archives of the Co-ordinating Council shall be inviolable.

Article 4

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

In the event of the Co-ordinating Council making major purchases of movable or immovable property which is strictly necessary for carrying on its official administrative activities, and in the price of which are included indirect taxes or sales taxes, the host State shall, wherever possible, take the appropriate measures to remit or refund the amount of such taxes.

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

Article 5

The Co-ordinating Council shall be exempt from all customs duties and 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 in return for valuable consideration or not, in the territory of the country into which they have been imported, except under conditions approved by the Government of such country.

### Chapter III

#### OFFICIAL COMMUNICATIONS

##### Article 6

As regards their official communications and the transfer of all their documents, the European Economic Community, the Institutions of the Association and the co-ordinating bodies shall enjoy in the territory of the Signatory States the treatment granted to international organizations.

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

### Chapter IV

#### STAFF OF THE CO-ORDINATING SECRETARIAT

##### Article 7

The Secretary and Deputy Secretary of the Co-ordinating Council shall enjoy in the State in which the Co-ordinating Council is established, under the responsibility of the Chairman in Office of the Co-ordinating Committee, the advantages granted to the diplomatic staff of diplomatic missions. Their spouses and their infant children living in their household shall enjoy, under the same conditions, the advantages granted to the spouses and infant children of such diplomatic staff.

##### Article 8

The State in which the Co-ordinating Council is established shall only grant immunity from suit and legal process to the permanent members of the staff of the Co-ordinating Secretariat other than those referred to in Article 7 in respect of acts done by them in the course of the performance of their official duties. Such immunity shall not apply, however, in the case of any infringement of road traffic regulations by a permanent member of the staff of the Co-ordinating Secretariat or of 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 Co-ordinating Committee, the Secretary and Deputy Secretary of the Co-ordinating Council, and of the permanent members of the staff of the Co-ordinating Secretariat shall be communicated periodically by the President of the Co-ordinating Council to the Government of the State in whose territory the Co-ordinating Council is established.

Chapter V

GENERAL PROVISIONS

Article 10

The privileges, immunities and facilities provided for by this Protocol shall be granted to persons benefiting from them solely in the interests of their official duties.

It shall be the duty of the Institutions and bodies referred to in this Protocol to waive an immunity wherever they consider that the waiver of such immunity is not contrary to their interests.

Article 11

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

The Co-ordinating Council and the European Investment Bank may be party to a suit before the Court of Arbitration of the Association.

PROTOCOL No. 10

concerning the operating expenses of the Institutions of the Association

THE HIGH CONTRACTING PARTIES

HAVE AGREED upon the following provisions, which are 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 Association Council and its dependent organs, both with regard to staff, travel and subsistence expenses and to postal and telecommunications expenses.

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

Article 2

The Community and the Associated States shall be severally responsible for the travel and subsistence expenses 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 expenses of the personnel required for these meetings as well as for postal and telecommunications expenses.

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

Article 3

Members of the Court of Arbitration shall be entitled to have their travel and subsistence expenses refunded. The latter shall be fixed at 20 units of account for each day during which members of the Court of Arbitration sit. These sums shall be paid to them by the Court of Arbitration.

The travel and subsistence expenses of the members of the Court of Arbitration shall be met as to one half by the Community and as to the other half by the Associated States.

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

Expenditure relating to special inquiries shall be settled by the Court of Arbitration with the other costs under the terms laid down by its Statute; to cover such expenditure, the parties shall advance deposits under the terms laid down by the Order of the Court of Arbitration, or of its President, in which such measures are prescribed.

IN WITNESS WHEREOF, the Plenipotentiaries of the High Contracting Parties have signed the above ten Protocols.

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

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  
A. LAMANA  
C. KASASA  
C. SIAMARD  
D. BADAROU  
E. KASSA MAPSI  
K. BEDIE  
J. RABEMANANJARA  
J.M. KONE  
M.O. HATBA  
A. BARKIRE  
S. NSANZIMANA  
J. COLLIN  
A. DUALE  
P. EKLOU  
P.C. DAMIBA

AGREEMENT

concerning products falling within the competence of  
the European Coal and Steel Community

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 to as "Member States", on the one hand, and

The President of the Republic of Burundi,  
The President of the Federal Republic of Caméroun,  
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 Gabon 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 the Upper Volta,

whose States are hereinafter referred to as "Associated States", on the other hand

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,

TAKING INTO CONSIDERATION the fact that the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, signed this day, does not apply to products falling within the competence of the European Coal and Steel Community,

DESIROUS, however, of maintaining and increasing trade in these products between the Member States and the Associated States.

NOTING that the Agreement concluded to this end and signed at Yaoundé on 20 July 1963 has expired,

HAVE designated as Plenipotentiaries:

HIG MAJESTY THE KING OF THE BELGIANS:

Mr. Charles HANIN, Minister of the Middle Classes;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Mr. Gerhard JAHN, Parliamentary State Secretary, Ministry of Foreign Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr. Yvon BOURGES, State Secretary, Ministry of Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr. Mario PEDINI, Deputy State Secretary, Ministry of 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 of Foreign Affairs;

THE PRESIDENT OF THE REPUBLIC OF BURUNDI:

Mr. Lazare NTAWURISHIRA, Minister of Foreign Affairs and Co-operation;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF CAMEROON:

Mr. Vincent EFON, Minister of Planning and Development;

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC:

Mr. Louis ALAZOULA, Minister of Industry, Mining and Geology;

THE PRESIDENT OF THE REPUBLIC OF CHAD:

Mr. Abdoulaye LAMANA, Minister of Economics, Finance and Transport;

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF THE CONGO:

Mr. Crispin KASASA, Deputy Minister of Foreign Affairs, responsible for External Trade;

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

Mr. Charles SIAMARD, Minister of Finance and Economics;

THE PRESIDENT OF THE REPUBLIC OF DAHOMEY:

Mr. Daouda Badarou, Minister of Foreign Affairs;

THE PRESIDENT OF THE GABON REPUBLIC:

Mr. Emile KASSA MAPSI, Minister of State, the Gabonese Embassy to Benelux and the European Communities;

THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST:

Mr. Konan BEDIE, Minister of Economic and Financial Affairs;

THE PRESIDENT OF THE MALAGASY REPUBLIC:

Mr. Jacques RABEMANANJARA, Minister of State, Ministry of Foreign Affairs;

THE HEAD OF STATE OF THE REPUBLIC OF MALI:

Mr. Jean-Marie KONE, Minister of State for Foreign Affairs and Co-operation;

THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA:

Mr. Mokhtar Ould HAIBA, Minister of 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 of 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, Ministry of Foreign Affairs;

THE PRESIDENT OF THE REPUBLIC OF TOGO:

Mr. Paulin EKLOU, Minister of Trade, Industry, Tourism and Planning;

THE PRESIDENT OF THE REPUBLIC OF THE UPPER VOLTA:

Mr. Pierre-Claver DAMIBA, Minister of Planning and Public Works;

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

HAVE AGREED, for the duration of the Convention of Association, upon the following provisions:

#### Article 1

Subject to any measures which may be taken in implementation of Chapter X of the Treaty establishing the European Coal and Steel Community, products falling within the competence of the latter Community shall, when they originate in the Associated States, be admitted on importation into the Community free of customs duties and charges having equivalent effect, but the treatment applied to such products may not be more favourable than that applied by the Member States among themselves.

#### Article 2

Without prejudice to the implementation of the provisions of Article 63 of the Convention of Association, the products referred to above shall, when they originate in the Member States, be admitted on importation into the Associated States free of customs duties and charges having equivalent effect and free of quantitative restrictions and measures having equivalent effect, under conditions analogous 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

The Parties concerned shall consult together whenever, in the opinion of one of the Parties, the application of the above provisions so requires.

Article 4

This Agreement shall not modify the powers and competences stemming from the provisions of the Treaty establishing the European Coal and Steel Community.

Article 5

This Agreement shall be approved by each Signatory State in conformity 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 date as the Convention of Association.

Article 6

This Agreement shall be concluded for a period of five years from its entry into force and shall expire by 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

The present Agreement, drawn up in a single original in the German, French, Italian and Dutch 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 the Government of each of the Signatory States.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

Done at Yaoundé, on 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 NTAMURISHIRA

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,  
Dacuda BADAROU  
For the President of the Gabon 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 the Upper Volta,  
Pierre-Claver DAMIBA

FINAL ACT

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, on the one hand, and of

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 Gabon 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 the Upper Volta, on the other hand,

being met at Yaoundé, on this twenty-ninth day 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 and Malagasy States associated with that Community, have adopted the following texts:

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

and also the following Protocols:

- Protocol No. 1 concerning the implementation of Article 2(2) of the Convention of Association
- Protocol No. 2 concerning the implementation of Article 3 of the Convention of Association
- Protocol No. 3 concerning the implementation of Article 7 of the Convention of Association

- Protocol No. 4 concerning the implementation of the Convention of Association and the establishment of international agreements on the granting of general preferences
- Protocol No. 5 concerning measures to be taken by the High Contracting Parties concerning their mutual interests with particular regard to tropical products
- Protocol No. 6 concerning the administration of Community aids
- Protocol No. 7 concerning the value of the unit of account
- Protocol No. 8 concerning the Statute of the Court of Arbitration of the Association
- Protocol No. 9 on privileges and immunities
- Protocol No. 10 concerning the operating expenses of the Institutions of the Association

The Plenipotentiaries of the Member States and the Plenipotentiaries of the Associated African and Malagasy States have furthermore adopted the text of the Agreement concerning products falling within the competence of the European Coal and Steel Community.

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

1. Declaration by the Contracting Parties concerning Article 10 of the Convention of Association (Annex I)
2. Declaration by the Contracting Parties concerning 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 concerning 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 Association Council concerning financial and technical co-operation (Annex IV)
5. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States concerning 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 concerning non-discrimination between Member States in the matter of investments (Annex VI)

7. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States concerning Article I of Protocol No. 9 on privileges and immunities (Annex VII)
8. Declaration by the Contracting Parties concerning 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 concerning the Statute of the Court of Arbitration of the Association (Annex IX)

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

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

IN WITNESS WHEREOF the undersigned Plenipotentiaries have affixed their signatures below this Final Act.

Done at Yaoundé, on 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

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 Gabon 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 the Upper Volta,  
Pierre-Claver DAMIBA

#### ANNEX I

##### Declaration by the Contracting Parties concerning Article 10 of the Convention of Association

THE HIGH CONTRACTING PARTIES,

Deciding to extend the term of validity of the texts concerning the concept of "originating products" adopted in implementation of the Convention of Association signed at Yaoundé on 20 July 1963,

Conscious of the usefulness that a single text, containing all these provisions, could have for the proper application of the Convention of Association,

Have agreed to instruct the Commission of the European Communities to prepare a draft of a single 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.

#### ANNEX II

##### Declaration by the Contracting Parties concerning petroleum products

In respect of petroleum products, the Community reserves the right to change the arrangements stipulated in Title I, Chapter I of the Convention of Association when a common policy is established.

In this event, the Community shall accord imports of such products originating in the Associated States advantages comparable with those stipulated in the said Convention.



ANNEX III

Declaration by the Representatives of the Governments  
of the Member States and the Representatives of the  
Governments of the Associated States concerning  
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 the decision provided for in Article 27 of the Convention of Association becomes operative.

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 Association Council  
concerning financial and technical co-operation

The Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States shall renew, where necessary and where they relate to the application of the provisions adopted in the new Convention, the Resolutions on the general pattern for financial and technical co-operation adopted by the Association Council on the basis of Article 27 of the Convention of Association signed at Yaoundé on 20 July 1963.

ANNEX V

Declaration by the Representatives of the Governments  
of the Member States  
and the Representatives of the Governments  
of the Associated States  
concerning 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, to liberalize the payments covered by Article 37 of the Convention beyond the degree provided for in that Article, in so far as their economic situation in general and the state of their balance of payments in particular permit them to do so.

ANNEX VI

Declaration by the Representatives of the Governments  
of the Member States and the Representatives of the Governments  
of the Associated States concerning non-discrimination between  
... Member States in the matter of investments

In order to take into account the effects resulting for certain Associated States from their membership of regional monetary groupings, it is agreed that the equality referred to in Article 39(2) of the Convention of Association, even if it does not absolutely exclude a possible differentiation in some of the administrative formalities to which the operations referred to in that Article are subject, depending upon whether or not they are effected by nationals of the same monetary zone, must, in practice, guarantee that nationals of the different Member States shall be treated on a perfectly equal footing.

ANNEX VII

Declaration by the Representatives of the Governments  
of the Member States  
and the Representatives of the Governments of the Associated States  
concerning Article 1 of Protocol No. 9  
on privileges and immunities

1. By customary privileges, immunities and facilities shall be understood the privileges, immunities and facilities provided for by Article 11 of the Protocol on the privileges and immunities of the European Communities of 8 April 1965.
2. The Governments of the Member States and the Governments of the Associated States shall do their utmost to facilitate the grant, under the most favourable conditions, to the persons referred to in Article 1 of Protocol No. 9 on privileges and immunities, of any temporary visas required for carrying out their duties.

ANNEX VIII

Declaration by the Contracting Parties  
concerning a good offices procedure

Any Contracting Parties that are parties to a dispute within the meaning of Article 53 of the Convention of Association are prepared, if circumstances permit, and subject to the Association Council being informed so that any parties concerned may assert their rights, to have recourse, before bringing the dispute before the Association Council, to a good offices procedure.

ANNEX IX

Declaration by the Representatives  
of the Governments of the Member States  
and the Representatives of the Governments  
of the Associated States  
concerning the Statute of the Court of Arbitration of the Association

The Governments of the Member States and the Governments of the Associated States shall endeavour to take all necessary steps to ensure that the offences referred to in Article 20(3) of the Statute of the Court of Arbitration of the Association are dealt with in the same manner as similar offences committed before a national court trying a civil case.

ANNEX X

Declaration by the Representatives  
of the Governments of the Member States  
concerning nuclear products

It follows from the combined provisions of the Treaty establishing the European Atomic Energy Community and the Treaty establishing the European Economic Community, that the provisions of Title I of the Convention of Association apply to the goods and products covered by Articles 92 et seq of the Treaty establishing the European Atomic Energy Community.

ANNEX XI

Declaration by the Representatives  
of the Governments of the Member States  
concerning the tariff quota  
for imports of bananas

If the quantities required by the Federal Republic of Germany exceed the tariff quota granted to her by virtue of the Protocol concerning the tariff quota for imports of bananas (ex 08.01 in the Brussels Nomenclature) signed by the Member States on 25 March 1957, the exporting Associated States will be consulted as to their ability to furnish, on appropriate terms, all or part of the quantities required by the Federal Republic of Germany.

ANNEX XII

Declaration by the Community  
concerning Article 25 of the Convention of Association  
and Article 9 of Protocol No. 6  
concerning the administration of Community aids

While being aware that Article 25(1) of the Convention of Association does not exclude the possibility of share-holdings in the development banks of the Associated States, the Community nevertheless draws the attention of the latter to the fact that such holdings will only be taken up in exceptional cases, and if the Community possesses sufficient guarantees, to be defined should the need arise..

ANNEX XIII

Declaration by the Representative of the Government  
of the Federal Republic of Germany  
concerning the definition  
of German nationals

All Germans within the meaning of the Basic Law for the Federal Republic of Germany shall be deemed to be nationals of the Federal Republic of Germany.

ANNEX XIV

Declaration by the Representative of the Government  
of the Federal Republic of Germany  
concerning the application of the Convention of Association  
to Berlin

The Convention of Association shall apply equally to Land Berlin, in so far as the Government of the Federal Republic of Germany does not make a declaration to the contrary to the other Contracting Parties within a period of three months from the entry into force of the Convention.