



Partnership Agreement ACP-EC



Signed in Cotonou on 23 June 2000

Revised in Luxembourg on 25 June 2005

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THE COTONOU AGREEMENT BENEFITS THE POOREST

The international development agenda: 5 years of the Cotonou Agreement

Much has happened since that historic moment on 23 June 2000 when the ACP-EC Partnership Agreement was signed, marking the beginning of a new era in the relationship between the ACP States and the European Union. The strengthening of the international development agenda has taken place against a background of an accelerated globalisation process, a rise in international terrorism and conflicts in the poorest countries, increased migratory flows and a rise in illicit trafficking and global environmental threats.

Five years after the signature of the Cotonou Agreement the need for progress in development is more pressing today than ever before.

The priority is, and remains, poverty eradication and sustainable development. The European Union is the world's largest aid donor, responsible for 55% of international aid, the biggest trading partner for the poorest countries, and a key actor in political dialogue, conflict prevention and crisis management on a global scale. The Union is fully aware of its particular responsibility in achieving the Millennium Development Goals and remains firmly committed to strengthening its leadership role in development.

The Cotonou Agreement reflects a strong EU Commitment to Development

In 2005, the EU undertook ambitious commitments to increase its aid effort between now and 2010 and to improve the contribution of non aid policies to the development agenda. The EU is engaged in an important development agenda, which includes better alignment of development policies to the MDG challenges, important growth in development assistance, substantial trade policy contributions such as the "Everything but Arms Initiative", strengthened efforts to improve aid effectiveness through greater donor harmonisation and coordination and a continued

commitment to promoting effective multilateralism. Moreover, for the first time in over 50 years of development cooperation, the new Development Policy Statement, the “European Consensus on Development” (approved by the Commission, European Parliament and Council) defines a common framework, uniting Member States and the Community around common development principles, values and objectives.

The Cotonou Agreement has often been hailed as an exemplary agreement, serving as a model for other EU agreements with third parties. The political dimension of the partnership plays a pivotal role and association of civil society and other stakeholders has contributed to enhancing the effectiveness of our cooperation. The key objective of developing a more strategic common approach to poverty reduction must continue to be steadily promoted. The social, economic, political, cultural and environmental aspects of sustainable development are integrated throughout the Agreement, reflecting the relevant international commitments taken by EU and ACP partners. Moreover, in line with WTO requirements, steady progress is being made on putting into place an innovative economic and trade cooperation framework aimed at abolishing trade obstacles and promoting the gradual integration of ACP countries into the global economy. Efficiency in financial cooperation must continue to improve greater responsiveness in the framework of the programming process and through improved capacity to respond to crises.

Towards a more effective political dialogue

The negotiation of the first five-year revision of the Agreement provided a good opportunity to further improve and deepen the partnership. Following 10 months of intense negotiations, a global agreement was reached and the revised Agreement was signed on 25 June 2005 in Luxembourg.

The approach to the review process was first to consolidate the fundamental “acquis” of the Cotonou Agreement and second, to take stock and improve the effectiveness and quality of the ACP-EC partnership. Accordingly, the revision process has resulted in improved implementation arrangements and the introduction of new security-related provisions.

The ACP States and the Union have agreed to further enhance the political dimension of the partnership by means of a more systematic and formal political dialogue based on the well established principles of partnership and ownership. The amendments place greater emphasis on an effective and results-orientated dialogue rendering the provisions on good governance, human rights, democratic principles and the rule of law more constructive and operational.

Agreement was reached to include a reference to cooperation in counter-ing proliferation of weapons of mass destruction (WMD). This constitutes a real break-through in the area of international relations, reflecting the common commitment of 78 ACP countries and 25 EU Member States to combating the proliferation of WMD. There was also agreement to include a reference to the International Criminal Court and the Statute of Rome which demonstrates partners’ common commitment to the institutions of global governance. Furthermore, the revised agreement provides for a clause which confirms ACP-EC international cooperation in the fight against terrorism.

My personal commitment to development and my great appreciation of the ACP-EC partnership have been enhanced by the positive and beneficial cooperation I have experienced in the framework of the Cotonou Agreement. I believe that this partnership will continue to play a key role in helping us achieve the many challenges which lie ahead.

H.E. AMBASSADOR EVADNE COYE

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Troika Member
Committee of Ambassadors Bureau
ACP Group

THE REVISED ACP-EC PARTNERSHIP AGREEMENT: PERSPECTIVES FOR THE FUTURE

In its projected lifespan of twenty years, the ACP-EC Partnership Agreement will undergo a review process every five years to ensure it is kept updated and responsive to the global environment that frames ACP-EU relations. The first such review, completed at the Special Meeting of the ACP-EC Council of Ministers convened for that purpose on 23 February, 2005, took place within two years of the entry into force of the Partnership Agreement. With the pace of ratification of the revised agreement likely to be at least as slow as that of the original agreement, the second review might well reflect an inadequate experience of the operationalization of the new commitments and procedures adopted by the Council. At the very outset, then, this article advocates the earliest possible ratification by both EC and ACP States, in demonstration of the continuing significance of their exemplary north-south partnership.

Political perspective

A motivating force in the ACP approach to the review process was the need to forge an authentic spirit of partnership with the EC. Realistically, there would be no escaping the fact that the EC is the dominant partner. Still, the Cotonou Partnership Agreement provided a strong basis for the enhanced interaction that the ACP sought with the EC. It was logical, therefore, that their most important amendments to the Agreement were aimed at strengthening their role in the EC's political dialogue and consultations with members of the ACP Group. That strengthened role would also facilitate intra-ACP political dialogue and heighten the relevance of ACP initiatives in the search for durable solutions to the conflicts that bedevil several members of the Group.

Across the thirty years of its existence, the contribution of the ACP Group to conflict resolution within its membership has been minimal. Its first ever fact-finding mission to a country in conflict was in 2003, shortly after the Agreement entered into force. Since then, the move towards conflict resolution and peace-building efforts has taken root, involving not only other missions to ACP countries, but also a more

meaningful role in the consultations between those countries and the EC. The revised Agreement provides the appropriate framework for ACP-EC collaboration to help the countries concerned. Whereas the consultations under the original Cotonou Agreement were viewed by the ACP in general as punitive, the new framework allows the process to be more about dealing with the root causes of conflicts and the establishment of confidence-building measures, towards a lasting solution.

This is an area of the partnership where ACP peer-group initiatives can usefully underpin the EC's mediatory actions. Greater benefits can be gained from the combination of human and material resources, than through separate action. However, this can only happen on the basis of mutual trust and respect. The ACP will have to demonstrate that our solidarity will neither cause us to deny nor ignore violations within our membership. The EC will have to acknowledge the capacity of the ACP for real partnership in the search for peace and security within the Group's membership.

Security perspective

The issues which caused the greatest difficulty for the ACP during the negotiations were the EC's proposals in the realm of international security. Admittedly, the ACP was able to fairly easily negotiate the proposal for joint commitment to the global fight against terrorism and the EC fairly readily accepted the ACP's proposal for collaboration against mercenaries. However, there was prolonged debate on the EC's proposals in respect of the International Criminal Court and also for cooperation against the proliferation of weapons of mass destruction (WMD) to become an essential element of the Agreement. Consensus was reached some might say, as a result of the EC's status as dominant partner in the negotiations; others will state that what was at issue was not the final objective (universality of the ICC and the non-proliferation of WMD), but the means and that the amendments negotiated made the means acceptable.

What is clear is that the EC has committed itself to a greater degree of cooperation with the ACP. For example, collaboration in the fight against terrorism commits both sides to information exchange on terrorist groups and their support networks. If this is to have any significance, that collaboration must include technological and other support for ACP

national and regional security systems. Additionally, for the agreement in respect of WMD to have any value, the EC has to make good its commitment that *“Financial and technical assistance in the area of cooperation to counter the proliferation of weapons of mass destruction will be financed by specific instruments other than those intended for the financing of ACP-EC Cooperation”*. (Article 11b, paragraph 2)

Development perspective

The revision has not changed the centrality of the objective of poverty reduction, sustainable development and progressive integration of ACP states into the global economy. However, it identifies the Millennium Development Goals (MDGs) and the targets and principles for development set by United Nations Conferences, as the guiding light for ACP-EC cooperation. It also introduces a new twist: the possibility for non-ACP developing countries in geographical proximity to – or in regional arrangements with – ACP states to participate with such states in EC funded projects. This is in keeping with the EC's own policy of regionalising development cooperation. Implementation will be a challenge for the ACP Group, whose unity and solidarity must also face the regionalization resulting from the Economic Partnership Agreements (EPAs) to be concluded by the end of 2007.

ACP states expect that the changes in the rules and procedures governing cooperation will permit greater efficiency and effectiveness in delivery and implementation. We are deeply concerned that for many of our Group prospects for achieving the MDGs are bleak. It is therefore essential that EC development support be not only adequate, including for the development-centred EPAs, but also contribute to the accelerated development of ACP states.

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THE COTONOU AGREEMENT

Building on the experience of 30 years of ACP-EC partnership

The agreement, signed in Cotonou on 23 June 2000 for a period of twenty years and revised in 2005, builds on the acquis of thirty years of experience. The successive Lomé Conventions had provided a unique model of North/South relations, combining a negotiated system of trade preferences and considerable amounts of aid. Yet the results had been mixed. Evaluations of Community aid to the ACP countries often demonstrated that insufficient account had been taken of the institutional and policy context in the partner country, and this had too often undermined the viability and effectiveness of cooperation. The impact of non-reciprocal trade preferences had also proven disappointing. The rise in private direct investment flows to the developing countries over the previous two decades had not benefited the majority of ACP countries. Although the farsightedness and the contractual nature of the Lomé Conventions were acquis worth preserving, there was also an obvious need to adapt to international and regional developments. The rise in poverty in a number of countries, demographic development and environmental pressures meant that objectives and cooperation practices needed to be substantially reviewed.

The Cotonou Agreement tried to provide responses to these challenges. It was elaborated following a broad public consultation launched in 1996 on the basis of the Commission Green Paper on the future of relations between the European Union and the ACP countries. Wide-ranging public debate made it possible to assess the expectations and changes needed to bring a new dynamic to these relations and create a modern, authentic and efficient partnership.

The partnership reflects an evolution of the political dimension. Dialogue plays a key role in the success of development cooperation activities, and the political dimension of poverty-reduction strategies and sustainable is henceforth acknowledged to be an integral part of development processes. The first revision of the Agreement has been an opportunity to further strengthening the provisions on the political dialogue.

The ACP-EC partnership also aims at promoting increased participation of civil society, the private sector and the economic and social actors.

This approach is inherent to the consolidation of democracy, and can improve the effectiveness and viability of cooperation policies. In the revised version of the Agreement this participatory dimension has also been further defined.

The Cotonou Agreement (2000)

The ACP-EC partnership makes a clear link between the political dimension, trade and development. It is based on five pillars:

- reinforcement of the political dimension of relations between ACP countries and the European Union;
- involvement of civil society, the private sector and other non-State players;
- poverty reduction, confirmed as a key objective within the context of the objectives and targets agreed at international level (in particular the Millennium Development Goals);
- an innovative economic and trade cooperation framework;
- rationalisation of financial instruments and a system of flexible programming.

The agreement was concluded for twenty years, with a clause allowing for revision every five years and a financial protocol for each five-year period. As regards the trade agreements, a specific timetable was agreed between the parties, anticipating the various stages leading to the effective setting-up of the new arrangements. Certain aspects of the Agreement, particularly the sectoral policy guidelines defined in a “Compendium” or the procedures for implementing financial assistance contained in the annexes, can be adapted on a regular basis if necessary. The ACP-EC council of Ministers, which in principle meets once a year is responsible for adaptations. This approach embodies the dynamic nature of the partnership and provides for greater flexibility in the cooperation system.

The revised Cotonou Agreement (2005)

The Cotonou Agreement contains a revision clause (article 95) which foresees that the Agreement can be adapted every five years (with the exception of the economic and trade provisions, for which there is a special review procedure). In accordance with Article 95, at the end of February 2004, EC and ACP partners notified the provisions of the Agreement they wished to amend. The negotiations were launched at the ACP-EC Council of Ministers in Gaborone in May 2004 and were concluded at a ministerial meeting in Brussels on 23 February 2005. The revised Agreement was signed in Luxembourg on 25 June 2005.

The revision process did not call into question the fundamental acquis of the Cotonou Agreement. The objectives were rather to enhance the effectiveness and quality of the ACP-EC partnership, to ensure its consistency with the new international agenda for development, to further deepen the political dimension of the partnership and to broaden the cooperation framework in order to include new important security issues. The revised provisions can be broadly grouped under four headings: the political dimension and security issues, development strategies, Investment Facility and implementation and management procedures.

Significant evolutions in the Agreement: from Cotonou 2000 to the revision of 2005

– The initial political dimension (2000)

Regular political dialogue should promote the consistency and relevance of ACP-EC cooperation strategies and make it possible to address all issues of mutual interest. Important matters such as peace-building and conflict-prevention policies, and migration, were deliberately introduced into the Agreement in 2000. Respect for human rights, democratic principles, the rule of law, and good governance are subjects for regular dialogue where regional and sub-regional organisations and representatives of civil society can be associated. The Joint Parliamentary Assembly is called upon to play a particularly important role in such areas. Consultation procedures are envisaged in the event of violation of human rights, democratic principles and the rule of law, or in serious cases of corruption.

– The political dimension: enlarged to include security issues (2005)

The political dimension

The revised Agreement makes provision for a more systematic and formal dialogue under article 8 in relation to the three essential elements (human rights, democratic principles and the rule of law). Furthermore, this dialogue must now be held before the consultation procedure under Article 96 can be launched - except in cases of special urgency. Representatives of the ACP Group and of the Joint Parliamentary Assembly may henceforth take part in the political dialogue provided for under Article 8. These provisions are complemented by a new Annexe VII setting out detailed modalities for the structured dialogue.

In keeping with the preventive nature of the dialogue provided for under Article 8, a formal, structured dialogue must now be held with each country. Annexe VII lays down detailed modalities for this dialogue:

- it provides for joint drawing-up of benchmarks and targets for human rights, democratic principles and the rule of law;
- these benchmarks and targets must be based on the international standards laid down by the instruments referred to in the preamble (Universal Declaration of Human Rights, agreements on civil and political, economic, social and cultural rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of all Forms of Racial Discrimination, etc.);
- these benchmarks and objectives must take account of the particular circumstances in each country (economic, political and social context).

This structured dialogue should lead to greater transparency and should strengthen the efficiency of political dialogue as a preventive tool. It should result in commitments with regard to intermediate objectives and implementation timelines. An in-depth dialogue of this kind requires regular contacts and must continue over a sufficiently long period to enable progress to be measured against the commitments undertaken. If, at the end of the formal dialogue, one party believes that the other has failed to respect an essential obligation, it can invoke the consultation procedure and, if necessary, the appropriate measures provided for under Article 96. The time-frames for consultations under Articles 96 and 97 have also been extended.

Security issues

ACP-EC partners agreed on the introduction of three security-related provisions into the Agreement. This includes a reference to cooperation in countering proliferation of weapons of mass destruction (WMD) (Article 11b). The provision calls for full compliance with and national implementation of existing international obligations, as an essential element of the Cotonou Agreement. The provision also contains: (1) a statement that additional financial and technical assistance will be granted for cooperation on non-proliferation of WMD and that this will not be funded from resources intended for ACP-EC development cooperation; (2) a statement specifying that the timetable for such measures will be tailored to the specific circumstances in each country and (3) a provision whereby compliance with non-proliferation measures must be

assessed in particular on the basis of reports produced by the relevant multilateral institutions.

Partners also agreed to inclusion of a provision on the International Criminal Court and the Statute of Rome in the preamble as well as in the text of the Agreement (Article 11 §6).

Furthermore, the revised Agreement includes a clause which confirms partners' international cooperation in the fight against terrorism (Article 11a) and a provision relating to the prevention of mercenary activities (Article 11§3a).

– Civil society and the participatory approach (2000)

The general provisions aim to promote the involvement of civil society and economic and social players within the context of the partnership. They stress the need for information; support for capacity building; the principle of consultation of non-state players on reforms and economic, social and institutional policies to be supported by the Community; involvement of non-State actors in the implementation of programmes and projects; and the encouragement of networking and strengthening of links between ACP and EC actors.

– 2005 Revision: deepening of participatory approaches

The revision related to:

- Non-state actors: insertion of provisions to facilitate non-state actor access to indicative programme resources, under a strategy to be approved by the Commission and the ACP State concerned. These actors can benefit directly from financing via grant contracts drawn up between the Commission and the body in question. This will apply provided that the types of non-state actors and the type of activities to be supported are identified in the country strategy paper (Annexe IV, Articles 4 and 58);
- Local authorities : insertion of a provision aiming at involving them in the consultation processes and in the implementation of programmes (Article 4);

– Development strategies: focus on poverty reduction (2000)

The partnership is centred on the objective of reducing and, in the long term, eradicating poverty, in line with the objectives of sustainable development and progressive integration of the ACP countries into the

global economy. The Agreement defines a general strategic framework reflecting international commitments and simultaneously taking into account the political, economic, social, cultural and environmental components of development. In contrast to previous Conventions, the Cotonou Agreement defines a global strategy for development which requires the Community, Members States and ACP partners to work together to establish a consolidated and operational cooperation framework. This includes qualitative and quantitative indicators to allow systematic evaluation of results.

This approach takes into account the complexity and multi-dimensional nature of poverty. It concentrates on three priority areas of cooperation: economic development; social and human development; and regional integration and cooperation. In all these areas it envisages the systematic consideration of three cross-cutting themes: gender equality, sustainable management of the environment and natural resources; and institutional development and capacity-building. This approach means that priorities are established on a country-by-country basis. Country and regional cooperation strategies are the subjects of regular reports and are reviewed on a regular basis.

– Development strategies: the results of the revision (2005)

ACP and EC partners proposed a series of amendments relating to sectoral strategies and agreement was reached on all the proposals. This included, in particular, specific references to the following elements:

- Millennium Development Goals: inclusion of a reference to the MDGs in the preamble of the Agreement which reaffirms partners' commitment to those goals (see annexe);
- Social sector: inclusion of a reference to the promotion of the fight against poverty-related diseases and protection of sexual and reproductive health and rights of women (article 25);
- Regional Cooperation (articles 28, 29, 30, 58, annexe IV): simplification of procedures to request intra-ACP financing and facilitation of cooperation between ACP States and other developing countries on the basis of reciprocity;
- Information and communication technologies: introduction of a provision on the development and use of local content for ICTs (article 43);
- Youth: promotion of the participation of young people in public life and encouragement of exchanges and interaction between ACP and EU youth organisations (article 26);

- Traditional knowledge: promotion of traditional knowledge as part of sectoral economic development (article 23);
- Island ACP States: strengthening of existing provisions on island ACP States, emphasising their increased vulnerability brought about by new economic, social and ecological challenges and promoting a harmonised approach in this respect (article 89).

– The trade framework

Within the context of the Lomé convention, trade cooperation was based essentially on preferential tariffs. Under the Cotonou Agreement, economic and trade cooperation consists of a more complete set of arrangements. The EC and the ACP countries agreed on an approach which aims to establish new trade agreements leading to the liberalisation of trade between the parties and which includes cooperation in trade related areas, such as competition policy, the protection of intellectual property rights, standardisation and certification, sanitary and phytosanitary measures, respect for labour standards, and consumer policy. The Agreement also includes provisions for ACP-EC cooperation in international fora.

The objective of economic and trade cooperation is to promote the progressive integration of the ACP countries into the global economy, by enhancing production and the capacity to attract investment, and ensuring conformity with WTO provisions, whilst taking account of respective development constraints. The strategy adopted establishes a clear link between development aid, particularly support for modernisation of the economy, for adjustment needs and for social policies on the one hand, and the setting-up of a regulatory and trade-policy framework to favour the development of trade and private investment on the other. The ACP-EC Agreement aims to support the mutually reinforcing effects of economic and trade cooperation and development aid.

As regards modalities and procedures, the ACP-EC agreement foresees the introduction of new trade agreements after a preparatory eight-year period during which the Lomé trade regime is maintained. Formal negotiation of EPAs at the level of all ACP countries started in September 2002. Since October 2003 regional negotiations with the six regions (West Africa, Central Africa, Eastern and Southern Africa, the Southern African Development Community, Caribbean, & Pacific) have been progressively launched. Joint roadmaps or plans and schedules were developed with each region to outline the expected course of the negotiations. The new trade agreements should enter into force in January 2008 at the latest. The liberalisation of trade will be

achieved asymmetrically to give more time to ACP countries during transitional periods still to be determined, but which must take into account the development and adjustment needs of the ACP countries whilst respecting WTO rules.

The Community has undertaken to liberalise practically all imports of products originating from the LDCs. In February 2001, the Council adopted the 'Everything But Arms' Regulation granting duty-free access to imports of all products from LDCs without any quantitative restrictions, except for arms and munitions. Only imports of fresh bananas, rice and sugar are not fully liberalised immediately. Duties on those products will be gradually reduced until duty free access is granted for bananas in January 2006, for sugar in July 2009 and for rice in September 2009. In the meantime, there will be duty free tariff quotas for rice and sugar.

– Financial cooperation: instruments and programming (2000)

In 2000, the instruments of the European development fund (EDF) were regrouped and rationalised. All available EDF resources are now channelled via two instruments: one envelope which groups together all non-reimbursable aid, and one envelope providing risk capital and loans with a view to supporting the development of the private and commercially run public sector through an investment facility managed by the European Investment Bank (EIB). The envelope of non-reimbursable aid comprises a programmable part and a part for unforeseen needs which allows for the mobilisation of supplementary resources within the framework of the Community Support Strategy and of the Indicative Programme. A system of flexible programming with regular reviews allows the support strategy to be periodically adapted as the situation in the country or region evolves. The consolidation of the various EDFs in 2000 made it possible to avoid parallel programming systems.

The use of budget support - general or for specific sectors - is being encouraged where conditions allow. This aid modality best respects the primary responsibility of the partner country in the development process (ownership) and facilitates harmonisation and alignment.

The allocation of resources is based on an assessment of needs and policy performance. Five-yearly financial envelopes are defined on an indicative basis. A review of the support strategy, at mid-term and at the end of the period for application of the financial protocol, may also

involve adaptation of the level of resources allocated to each country or region on the basis of needs and performance. The revised Cotonou Agreement gives further opportunities to revise allocations in order to respond to special needs or exceptional performance. This approach makes it possible to provide more effective support to efforts at reform in certain countries, and to prevent resources being frozen in others. Such flexibility has been further increased in the revised Cotonou Agreement in 2005.

The involvement of Non-State Actors through dialogue and consultation on development cooperation strategies and through their active participation in the implementation of cooperation programmes is a clearly established principle in the Cotonou Agreement.

Regional programmes are also subject to a flexible programming system and are re-examined at mid-term and at the end of the 5-year period. Particular account is taken of progress made and prospects for future regional cooperation and integration.

– The revised implementation and management procedures (2005)

A number of amendments were introduced with the threefold objective of simplification, clarification and harmonisation, while preserving the fundamental acquis of the Cotonou Agreement. At the ministerial conference concluding the negotiations on the revision of the Cotonou Agreement, it was decided that the Joint Council will finalise discussions and take a decision on the updating and renewed harmonisation of the procurement procedures and of the implementing arrangements for the instrument for financing short-term fluctuations in export earnings (FLEX). The revised provisions include:

- Greater flexibility in the allocation of resources; in particular, this implies to maintain a larger reserve when resources are allocated and the possibility of increasing the amounts in national and regional envelopes other than through the reviews planned for that purpose, in the light of special needs, exceptional performance, or to cover international initiatives of benefit to the ACP countries (Annexe IV, Articles 3, 9, 12);
- Financial management in crisis or conflict situations; possibility to allow the Commission to directly manage resources for policies to promote peace and to manage and settle conflicts, including post-conflict support, until normal conditions have been restored (Annexe IV, Article 4);

- Support for initiatives on untying of aid; in particular in the framework of ACP cooperation and regional integration efforts (Annexe IV, Articles 6, 14, 20);
- Reformulation of the responsibilities of managing and executing agents; strengthening the strategic role of the national authorising officer; rewording of the texts relating to the internal organisation of the Commission, which is prone to change regularly in the context of the devolution process (Annexe IV, Articles 34, 35, 36);
- A number of changes aimed at simplifying procedures;
- Financing devolution; the purpose of the new provision is to enable €90 million of intra-ACP cooperation resources to fund devolution in 2006-07 (Annexe I §9).

– Investment Facility: improvements (2005)

In order to make implementation of the investment Facility more flexible and more effective, a number of changes were made concerning the conditions attached to loans and interest-rate subsidies, exchange-rate-risk-sharing and repayments to the Bank. In addition, as is the case for resources managed by the Commission, the investment facility is now subject to a joint performance review half-way through (mid-term) and at the end of the financial protocol.

– Initial financial resources (2000)

A significant volume of financial resources had been earmarked for the first multi-annual period to support development strategies in the ACP countries: €13.5 billion for the 9th EDF, plus €9.9 billion in remaining balances from previous EDFs at the end of 1999, ie a total of €23.5 billion for the period 2000-2007, plus an additional amount up to €1.7 billion from the EIB's own resources.

– The new Multi-annual Financial Framework (2005)

At the final ministerial conference, the parties reached a preliminary conclusion on the post 9th EDF multi-annual financial framework for cooperation (Annexe Ia). The Community committed to maintaining its aid effort to the ACP countries at least at the level of the 9th EDF, not including balances and adding the effects of inflation, growth within the European Union and enlargement to 10 new Member States in 2004, on

the basis of Community estimates. This minimum aid effort is guaranteed without prejudice to the eligibility of ACP states' for additional resources under other financial instruments which already exist or may yet be created.

At the European Council of 16 December 2005, the EDF 9 successor was agreed. Cooperation with the ACP countries will be allocated €22,682 million in current prices for the period 2008-2013.

MILLENNIUM DEVELOPMENT GOALS, TARGETS AND INDICATORS (MDGS)

Goals and Targets (from the Millennium Declaration)	Indicators for monitoring progress
Goal 1. Eradicate extreme poverty and hunger	
Target 1: Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day	<ol style="list-style-type: none"> 1. Proportion of population below \$1 (PPP) per day 2. Poverty gap ratio [incidence x depth of poverty] 3. Share of poorest quintile in national consumption
Target 2: Halve, between 1990 and 2015, the proportion of people who suffer from hunger	<ol style="list-style-type: none"> 4. Prevalence of underweight children under-five years of age 5. Proportion of population below minimum level of dietary energy consumption
Goal 2. Achieve universal primary education	
Target 3: Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	<ol style="list-style-type: none"> 6. Net enrolment ratio in primary education 7. Proportion of pupils starting grade 1 who reach grade 5 8. Literacy rate of 15-24 year-olds
Goal 3. Promote gender equality and empower women	
Target 4: Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015	<ol style="list-style-type: none"> 9. Ratios of girls to boys in primary, secondary and tertiary education 10. Ratio of literate women to men, 15-24 years old 11. Share of women in wage employment in the non-agricultural sector 12. Proportion of seats held by women in national parliament
Goal 4. Reduce child mortality	
Target 5: Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate	<ol style="list-style-type: none"> 13. Under-five mortality rate 14. Infant mortality rate 15. Proportion of 1 year-old children immunised against measles
Goal 5. Improve maternal health	
Target 6: Reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio	<ol style="list-style-type: none"> 16. Maternal mortality ratio 17. Proportion of births attended by skilled health personnel

Goals and Targets (from the Millennium Declaration)	Indicators for monitoring progress
Goal 6. Combat hiv/aids, malaria and other diseases	
Target 7: Have halted by 2015 and begun to reverse the spread of HIV/ AIDS	<ol style="list-style-type: none"> 18. HIV prevalence among pregnant women aged 15-24 years 19. Condom use rate of the contraceptive prevalence rate 19a. Condom use at last high-risk sex 19b. Percentage of population aged 15-24 years with comprehensive correct knowledge of HIV/AIDS 19c. Contraceptive prevalence rate 20. Ratio of school attendance of orphans to school attendance of non-orphans aged 10-14 years
Target 8: Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases	<ol style="list-style-type: none"> 21. Prevalence and death rates associated with malaria 22. Proportion of population in malaria-risk areas using effective malaria prevention and treatment measures 23. Prevalence and death rates associated with tuberculosis 24. Proportion of tuberculosis cases detected and cured under directly observed treatment short course DOTS (Internationally recommended TB control strategy)
Goal 7. Ensure environmental sustainability	
Target 9: Integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources	<ol style="list-style-type: none"> 25. Proportion of land area covered by forest 26. Ratio of area protected to maintain biological diversity to surface area 27. Energy use (kg oil equivalent) per \$1 GDP (PPP) 28. Carbon dioxide emissions per capita and consumption of ozone depleting CFCs (ODP tons) 29. Proportion of population using solid fuels
Target 10: Halve, by 2015, the proportion of people without sustainable access to safe drinking water and basic sanitation	<ol style="list-style-type: none"> 30. Proportion of population with sustainable access to an improved water source, urban and rural 31. Proportion of population with access to improved sanitation, urban and rural
Target 11: By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers	<ol style="list-style-type: none"> 32. Proportion of households with access to secure tenure

Goals and Targets (from the Millennium Declaration)	Indicators for monitoring progress
Goal 8. Develop a global partnership for development	
<p>Target 12: Develop further an open, rule-based, predictable, non-discriminatory trading and financial system</p> <p>Includes a commitment to good governance, development and poverty reduction - both nationally and internationally.</p>	<p><i>Some of the indicators listed below are monitored separately for the least developed countries (LDCs), Africa, landlocked developing countries and small island developing States</i></p> <p><u>Official development assistance (ODA)</u></p> <p>33. ANet ODA, total and to the least developed countries, as percentage of OECD/DAC donors' gross national income</p>
<p>Target 13: Address the special needs of the least developed countries</p> <p>Includes: tariff and quota free access for the least developed countries' exports; enhanced programme of debt relief for heavily indebted poor countries (HIPC) and cancellation of official bilateral debt; and more generous ODA for countries committed to poverty reduction.</p>	<p>34. Proportion of total bilateral, sector-allocable ODA of OECD/DAC donors to basic social services (basic education, primary health care, nutrition, safe water and sanitation)</p> <p>35. Proportion of bilateral official development assistance of OECD/DAC donors that is untied</p> <p>36. ODA received in landlocked developing countries as a proportion of their gross national incomes</p>
<p>Target 14: Address the special needs of landlocked developing countries and small island developing States</p> <p>(through the Programme of Action for the Sustainable Development of Small Island Developing States and the outcome of the twenty-second special session of the General Assembly).</p>	<p>37. ODA received in small island developing States as a proportion of their gross national incomes</p> <p><u>Market access</u></p> <p>38. Proportion of total developed country imports (by value and excluding arms) from developing countries and least developed countries, admitted free of duty</p>
<p>Target 15: Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term</p>	<p>39. Average tariffs imposed by developed countries on agricultural products and textiles and clothing from developing countries</p> <p>40. Agricultural support estimate for OECD countries as a percentage of their gross domestic product</p> <p>41. Proportion of ODA provided to help build trade capacity</p> <p><u>Debt sustainability</u></p> <p>42. Total number of countries that have reached their HIPC decision points and number that have reached their HIPC completion points (cumulative)</p> <p>43. Debt relief committed under HIPC Initiative</p> <p>44. Debt service as a percentage of exports of goods and services</p>

Goals and Targets (from the Millennium Declaration)	Indicators for monitoring progress
<p>Target 16: In cooperation with developing countries, develop and implement strategies for decent and productive work for youth</p>	<p>45. Unemployment rate of young people aged 15-24 years, each sex and total</p>
<p>Target 17: In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries</p>	<p>46. Proportion of population with access to affordable essential drugs on a sustainable basis</p>
<p>Target 18: In cooperation with the private sector, make available the benefits of new technologies, especially information and communications</p>	<p>47. Telephone lines and cellular subscribers per 100 population</p> <p>48. Personal computers in use per 100 population</p> <p>Internet users per 100 population</p>

The Millennium Development Goals and targets come from the Millennium Declaration, signed by 189 countries, including 147 heads of State and Government, in September 2000. The goals and targets are interrelated and should be seen as a whole. They represent a partnership between the developed countries and the developing countries "to create an environment - at the national and global levels alike - which is conducive to development and the elimination of poverty".

LIST OF COUNTRIES SIGNATORIES OF THE ACP-EC AGREEMENT AMENDING THE PARTNERSHIP AGREEMENT

Information for readers

The blue pages contain the list of countries which have signed the ACP-EC Agreement amending the Partnership Agreement of 25 June 2005; the yellow pages, the consolidated text of the Agreement; the green pages, the annexes and protocols, and the grey pages, the Final Act.
The modifications are in red.

Please note that only the text of the Agreement amending the Partnership Agreement published in the paper edition of the Official Journal of the European Communities is deemed authentic.

O.J. L 317, 15 December 2000
O.J. L 297, 22 September 2004
O.J. L 209, 11 August 2005
O.J. L 287, 28 October 2005
O.J. L 247, 09 September 2006

**IN
LUXEMBOURG
ON 25 JUNE 2005**

HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE CZECH REPUBLIC, HER MAJESTY THE QUEEN OF DENMARK, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE REPUBLIC OF ESTONIA, THE PRESIDENT OF THE HELLENIC REPUBLIC, HIS MAJESTY THE KING OF SPAIN, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF IRELAND, THE PRESIDENT OF THE ITALIAN REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF CYPRUS, THE PRESIDENT OF THE REPUBLIC OF LATVIA, THE PRESIDENT OF THE REPUBLIC OF LITHUANIA, HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG, THE PRESIDENT OF THE REPUBLIC OF HUNGARY, THE PRESIDENT OF MALTA, HER MAJESTY THE QUEEN OF THE NETHERLANDS, THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, THE PRESIDENT OF THE REPUBLIC OF POLAND, THE PRESIDENT OF THE PORTUGUESE REPUBLIC,	THE PRESIDENT OF THE REPUBLIC OF SLOVENIA, THE PRESIDENT OF THE SLOVAK REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF FINLAND, THE GOVERNMENT OF THE KINGDOM OF SWEDEN, HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, Contracting Parties to the Treaty establishing the European Community, hereinafter referred to as "the Community", the States of the Community being hereinafter referred to as "Member States", and THE EUROPEAN COMMUNITY, of the one part, and THE PRESIDENT OF THE REPUBLIC OF ANGOLA, HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA, THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS, THE HEAD OF STATE OF BARBADOS, HER MAJESTY THE QUEEN OF BELIZE, THE PRESIDENT OF THE REPUBLIC OF BENIN, THE PRESIDENT OF THE REPUBLIC OF BOTSWANA, THE PRESIDENT OF BURKINA FASO, THE PRESIDENT OF THE REPUBLIC OF BURUNDI, THE PRESIDENT OF THE REPUBLIC OF CAMEROON,	THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE, THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC, THE PRESIDENT OF THE ISLAMIC FEDERAL REPUBLIC OF THE COMOROS, THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF CONGO, THE PRESIDENT OF THE REPUBLIC OF CONGO, THE GOVERNMENT OF THE COOK ISLANDS, THE PRESIDENT OF THE REPUBLIC OF CÔTE D'IVOIRE, THE PRESIDENT OF THE REPUBLIC OF DJIBOUTI, THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA, THE PRESIDENT OF THE DOMINICAN REPUBLIC, THE PRESIDENT OF THE STATE OF ERITREA, THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, THE PRESIDENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI, THE PRESIDENT OF THE GABONESE REPUBLIC, THE PRESIDENT AND HEAD OF STATE OF THE REPUBLIC OF THE GAMBIA, THE PRESIDENT OF THE REPUBLIC OF GHANA, HER MAJESTY THE QUEEN OF GRENADA, THE PRESIDENT OF THE REPUBLIC OF GUINEA,	THE PRESIDENT OF THE REPUBLIC OF GUINEA-BISSAU, THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL GUINEA, THE PRESIDENT OF THE REPUBLIC OF GUYANA, THE PRESIDENT OF THE REPUBLIC OF HAITI, THE HEAD OF STATE OF JAMAICA, THE PRESIDENT OF THE REPUBLIC OF KENYA, THE PRESIDENT OF THE REPUBLIC OF KIRIBATI, HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO, THE PRESIDENT OF THE REPUBLIC OF LIBERIA, THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR, THE PRESIDENT OF THE REPUBLIC OF MALAWI, THE PRESIDENT OF THE REPUBLIC OF MALI, THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS, THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA, THE PRESIDENT OF THE REPUBLIC OF MAURITIUS, THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA, THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE, THE PRESIDENT OF THE REPUBLIC OF NAMIBIA, THE GOVERNMENT OF THE REPUBLIC OF NAURU,
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THE PRESIDENT OF THE REPUBLIC OF NIGER,	HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND,	CONSIDERING that Article 95(1) of the Cotonou Agreement lays down that the duration of the Agreement shall be twenty years, starting on 1 March 2000,	HIS MAJESTY THE KING OF SPAIN, Alberto NAVARRO GONZALEZ State Secretary for the European Union
THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA,	THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,	CONSIDERING that the second subparagraph of Article 95(3) of the Cotonou Agreement provides that ten months before the expiry of each five-year period, the Parties shall enter into negotiations with a view to examining any possible amendments to the provisions of the Cotonou Agreement,	THE PRESIDENT OF THE FRENCH REPUBLIC, Brigitte GIRARDIN Minister with responsibility for Cooperation, Development and the French-speaking World
THE GOVERNMENT OF NIUE,	THE PRESIDENT OF THE REPUBLIC OF CHAD,	HAVE DECIDED to sign this Agreement amending the Cotonou Agreement and to this end have designated as their Plenipotentiaries:	THE PRESIDENT OF IRELAND, Ronan MURPHY Director General, Development Cooperation Directorate, Department of Foreign Affairs
THE GOVERNMENT OF THE REPUBLIC OF PALAU,	THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE,	HIS MAJESTY THE KING OF THE BELGIANS, Armand DE DECKER Minister for Development Cooperation	THE PRESIDENT OF THE ITALIAN REPUBLIC, Rocco Antonio CANGELOSI Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the European Union
HER MAJESTY THE QUEEN OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA,	THE PRESIDENT OF THE TOGOLESE REPUBLIC,	THE PRESIDENT OF THE CZECH REPUBLIC, Vladimir A. CHIZHOV Deputy Minister for Foreign Affairs	THE PRESIDENT OF THE REPUBLIC OF CYPRUS, Nicholas EMILIOU Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the European Union
THE PRESIDENT OF THE RWANDESE REPUBLIC,	HIS MAJESTY KING TAUFU'AHAU TUPOU IV OF TONGA,	HER MAJESTY THE QUEEN OF DENMARK, Ib Ritto ANDREASEN Ambassador to Luxembourg	THE PRESIDENT OF THE REPUBLIC OF LATVIA, Lelde LICE-LICITE Ambassador, Deputy Permanent Representative to the EU, Counsellor of Education and Culture
HER MAJESTY THE QUEEN OF SAINT KITTS AND NEVIS,	THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO,	THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, Erich STATHER State Secretary, Federal Ministry for Economic Cooperation and Development	THE PRESIDENT OF THE REPUBLIC OF LITHUANIA, Rokas BERNOTAS Director of the Department of Multilateral Relations of the Ministry of Foreign Affairs
HER MAJESTY THE QUEEN OF SAINT LUCIA,	HER MAJESTY THE QUEEN OF TUVALU,	Dorothee JANETZKE-WENZEL Head of African Politics, Ministry of Foreign Affairs	HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG, Jean-Louis SCHILTZ Minister for Cooperation and Humanitarian Action, Minister with responsibility for Communications
HER MAJESTY THE QUEEN OF SAINT VINCENT AND THE GRENADINES,	THE PRESIDENT OF THE REPUBLIC OF UGANDA,	THE PRESIDENT OF THE HELLENIC REPUBLIC, Constantin KARABETSIS Ambassador, Director General for International Development Cooperation, Ministry of Foreign Affairs	
THE HEAD OF STATE OF THE INDEPENDENT STATE OF SAMOA,	THE GOVERNMENT OF THE REPUBLIC OF VANUATU,		
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE,	THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,		
THE PRESIDENT OF THE REPUBLIC OF SENEGAL,	THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE,		
THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES,	whose States are hereinafter referred to as "ACP States",		
THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,	of the other part,		
HER MAJESTY THE QUEEN OF SOLOMON ISLANDS,	HAVING REGARD to the Treaty establishing the European Community, on the one hand, and the Georgetown Agreement establishing the Group of African, Caribbean and Pacific States (ACP), on the other,		
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA,	HAVING REGARD to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (hereinafter referred to as the "Cotonou Agreement"),		
THE PRESIDENT OF THE REPUBLIC OF THE SUDAN,			
THE PRESIDENT OF THE REPUBLIC OF SURINAME,			

THE PRESIDENT OF THE REPUBLIC OF HUNGARY, András BÁRSONY Political State Secretary, Ministry of Foreign Affairs	THE PRESIDENT OF THE REPUBLIC OF FINLAND, Ritva JOLKKOSEN Director General, Ministry of Foreign Affairs	THE PRESIDENT OF THE REPUBLIC OF BENIN, Massiyatou LATOUNDJI LAURIANO Minister for Industry, Trade and Employment Promotion	THE PRESIDENT OF THE REPUBLIC OF CONGO, Pierre MOUSSA Minister of State for Planning, Regional Development and Economic Integration, National Authorising Officer
THE PRESIDENT OF MALTA, Bernard HAMILTON First Councillor, Acting Director for Bilateral Relations, Ministry of Foreign Affairs	THE GOVERNMENT OF THE KINGDOM OF SWEDEN, Agneta SÖDERMAN Ambassador to Luxembourg	THE PRESIDENT OF THE REPUBLIC OF BOTSWANA, Lt. Gen. Mompoti MERAFHE Minister for Foreign Affairs and International Cooperation	THE GOVERNMENT OF THE COOK ISLANDS Todd McCLAY Ambassador
HER MAJESTY THE QUEEN OF THE NETHERLANDS, P.J. YMKERS Counsellor, Permanent Representation of the Netherlands to the EU	HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, Gareth THOMAS, MP Parliamentary Under-Secretary of State at the Department for International Development	THE PRESIDENT OF BURKINA FASO, Jean-Baptiste Marie Pascal COMPAORE Minister for Finance and the Budget	THE PRESIDENT OF THE REPUBLIC OF CÔTE D'IVOIRE, Amadou SOUMAHORO Minister for Trade
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, Gregor WOSCHNAGG Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the European Union	THE EUROPEAN COMMUNITY, Jean-Louis SCHILTZ Minister for Cooperation and Humanitarian Action, Minister with responsibility for Communications, President-in-office of the Council of the EU Louis MICHEL Member of the Commission of the European Communities	THE PRESIDENT OF THE REPUBLIC OF BURUNDI, Thomas MINANI Minister for Trade and Industry	THE PRESIDENT OF THE REPUBLIC OF DJIBOUTI, Ali Farah ASSOWEH Minister for the Economy, Finance and Planning, with responsibility for privatisation
THE PRESIDENT OF THE REPUBLIC OF POLAND, Jan TRUSZCZYNSKI Secretary of State in the Ministry of Foreign Affairs	THE PRESIDENT OF THE REPUBLIC OF ANGOLA, Ana DIAS LOURENCO Minister for Planning	THE PRESIDENT OF THE REPUBLIC OF CAMEROON, Isabelle BASSONG Ambassador	THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA, George R.E. BULLEN Ambassador
THE PRESIDENT OF THE PORTUGUESE REPUBLIC, João GOMES CRAVINHO State Secretary for Foreign Affairs and Cooperation	HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA, Dr. Carl ROBERTS High Commissioner of Antigua & Barbuda to the United Kingdom	THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE, Victor Manuel BORGES Minister for Foreign Affairs, Cooperation and Communities, President of the ACP Council of Ministers	THE PRESIDENT OF THE DOMINICAN REPUBLIC, Onofre ROJAS Secretary of State, National Authorising Officer
THE PRESIDENT OF THE REPUBLIC OF SLOVENIA, Marjan ŠETINC Ambassador, Coordinator for Development Cooperation and Humanitarian Assistance, Ministry of Foreign Affairs	THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS, Errol Leroy HUMPHREYS Ambassador	THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC, Guy ZOUNGERE-SOKAMBI Ambassador	THE PRESIDENT OF THE STATE OF ERITREA, Andebrhan WELDEGIORGIS Ambassador
THE PRESIDENT OF THE SLOVAK REPUBLIC, Maroš ŠEFČOVIČ Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the European Union	HER MAJESTY THE QUEEN OF BELIZE, Yvonne HYDE Ambassador	THE PRESIDENT OF THE ISLAMIC FEDERAL REPUBLIC OF THE COMOROS, Aboudou SOEFO Minister of State, Minister for Foreign Affairs and Cooperation	THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, Sufian AHMED Minister for Finance and Economic Development
		THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF CONGO, Christian KAMBINGA SELE Deputy Minister for International Cooperation	THE PRESIDENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI, Ratu Seremaia T. CAVUILATI Ambassador

THE PRESIDENT OF THE GABONESE REPUBLIC, Casimir OYE MBA Minister of State, Minister for Planning and Development Programmes, National Authorising Officer	THE PRESIDENT OF THE REPUBLIC OF KENYA, Marx Gad NJUGUNA KAHENDE Ambassador	THE PRESIDENT OF THE REPUBLIC OF MAURITIUS, Sutiawan GUNESSEE Ambassador	THE PRESIDENT OF THE RWANDESE REPUBLIC, Monique NSANZABAGANWA State Secretary with responsibility for planning at the Ministry of Finance
THE PRESIDENT AND HEAD OF STATE OF THE REPUBLIC OF THE GAMBIA, Yusupha Aliou KAH Ambassador	THE PRESIDENT OF THE REPUBLIC OF KIRIBATI, Paul MALIN Head of Unit, DG Development of the Commission of the EC	THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA, Paul MALIN Head of Unit, DG Development of the Commission of the EC	HER MAJESTY THE QUEEN OF SAINT KITTS AND NEVIS, Timothy HARRIS Minister for Foreign Affairs and International Trade
THE PRESIDENT OF THE REPUBLIC OF GHANA, Georg Y. GUYAN-BAFFOUR, M.P. Deputy Minister for Finance and Economic Planning	HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO, Mpho MALIE Minister for Trade and Industry, Cooperatives and Marketing	THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE, Henrique BANZE Deputy Minister for Foreign Affairs and Cooperation, National Authorising Officer	HER MAJESTY THE QUEEN OF SAINT LUCIA, George R.E. BULLEN Ambassador
HER MAJESTY THE QUEEN OF GRENADA, Joan-Marie COUTAIN Ambassador	THE PRESIDENT OF THE REPUBLIC OF LIBERIA, Youngor Sevelee TELEWODA Ambassador	THE PRESIDENT OF THE REPUBLIC OF NAMIBIA, Peter Hitjitevi KATAJAVIVI Ambassador	HER MAJESTY THE QUEEN OF SAINT VINCENT AND THE GRENADINES, George R.E. BULLEN Ambassador
THE PRESIDENT OF THE REPUBLIC OF GUINEA, El Hadj Thierno Habib DIALLO Minister for Cooperation	THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR, Sahobisoa Olivier ANDRIANARISON Minister for Industrialisation, Trade and Private Sector Development	THE GOVERNMENT OF THE REPUBLIC OF NAURU, Dr. Karl H. KOCH Honorary Consul in Belgium	THE HEAD OF STATE OF THE INDEPENDENT STATE OF SAMOA, Tau'il'iili Uili MEREDITH Ambassador
THE PRESIDENT OF THE REPUBLIC OF GUINEA-BISSAU, Nagib JAHOUD Chargé d'affaires a.i.	THE PRESIDENT OF THE REPUBLIC OF MALAWI, Brian Granthen BOWLER Ambassador	THE PRESIDENT OF THE REPUBLIC OF NIGER, Ali MAHAMAN LAMINE ZEINE Minister for Economic and Financial Affairs	THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE, Horácio FERNANDES DA FONSECA PURVIS Chargé d'affaires a.i.
THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL GUINEA, Victorino Nka OBIANG MAYE Ambassador	THE PRESIDENT OF THE REPUBLIC OF MALI, Moctar OUANE Minister for Foreign Affairs and International Cooperation	THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA, Clarkson NWAKANMA UMELO Ambassador	THE PRESIDENT OF THE REPUBLIC OF SENEGAL, Saliou CISSE Ambassador
THE PRESIDENT OF THE REPUBLIC OF GUYANA, Patrick Ignatius GOMES Ambassador	THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS, Paul MALIN Head of Unit, DG Development of the Commission of the EC	THE GOVERNMENT OF NIUE, Todd McCLAY Ambassador	THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES, Patrick PILLAY Minister for Foreign Affairs
THE PRESIDENT OF THE REPUBLIC OF HAITI, Hérard ABRAHAM Minister for Foreign Affairs and Religious Affairs	THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA, Sidi OULD DIDI Minister for Economic Affairs and Development	THE GOVERNMENT OF THE REPUBLIC OF PALAU, Paul MALIN Head of Unit, DG Development of the Commission of the EC	THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE, Mohamed B. DARAMY Minister for Development and Economic Planning
THE HEAD OF STATE OF JAMAICA, K.D. KNIGHT, QC, MP Minister for Foreign Affairs and Trade		HER MAJESTY THE QUEEN OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA, Sir Rabbie NAMALIU KCMG, MP Minister for Foreign Affairs and Immigration	HER MAJESTY THE QUEEN OF SOLOMON ISLANDS, Fredrick FONO Minister for National Planning and Aid Coordination

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA,
Mosibudi MANGENA
Minister for Science and Technology

THE PRESIDENT OF THE REPUBLIC OF THE SUDAN,
Ali Yousif AHMED
Ambassador

THE PRESIDENT OF THE REPUBLIC OF SURINAME,
Maria E. LEVENS
Minister for Foreign Affairs

HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND,
Clifford Sibusiso MAMBA
Principal Secretary of the Ministry of Foreign Affairs and Trade

THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,
Festus B. LIMBU, MP
Deputy Minister for Finance

THE PRESIDENT OF THE REPUBLIC OF CHAD,
Abderahim Yacoub NDIAYE
Ambassador

THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF TIMOR LESTE
José António AMORIM DIAS
Ambassador,
Head of the Mission to the European Union

THE PRESIDENT OF THE TOGOLESE REPUBLIC,
Gilbert BAWARA
Minister Delegate to the Minister of State,
Minister for Foreign Affairs and African Integration with responsibility for cooperation

HIS MAJESTY KING TAUFA'AHAU TUPOU IV OF TONGA,
Paul MALIN
Head of Unit, DG Development of the Commission of the EC

THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO,
Diane SEUKERAN
Minister of State, Ministry of Trade and Industry

HER MAJESTY THE QUEEN OF TUVALU,
Paul MALIN
Head of Unit, DG Development of the Commission of the EC

THE PRESIDENT OF THE REPUBLIC OF UGANDA,
Deo K. RWABITA
Ambassador

THE GOVERNMENT OF THE REPUBLIC OF VANUATU,
Sato KILMAN
Deputy Prime Minister and Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,
Felix CHIBOTA MUTATI
Deputy Minister for Finance and National Planning

THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE,
Gift PUNUNGWE
Ambassador

**PARTNERSHIP AGREEMENT BETWEEN
THE MEMBERS OF THE AFRICAN,
CARIBBEAN AND PACIFIC GROUP OF STATES
OF THE ONE PART,
AND THE EUROPEAN COMMUNITY
AND ITS MEMBER STATES
OF THE OTHER PART**

**SIGNED IN
COTONOU
ON 23 JUNE 2000**

**REVISED IN
LUXEMBOURG
ON 25 JUNE 2005**

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PREAMBLE

HAVING REGARD TO the Treaty establishing the European Community, on the one hand, and the Georgetown Agreement establishing the Group of African, Caribbean and Pacific States (ACP), on the other;

AFFIRMING their commitment to work together towards the achievement of the objectives of poverty eradication, sustainable development and the gradual integration of the ACP countries into the world economy;

ASSERTING their resolve to make, through their cooperation, a significant contribution to the economic, social and cultural development of the ACP States and to the greater well being of their population, helping them facing the challenges of globalisation and strengthening the ACP-EU Partnership in the effort to give the process of globalisation a stronger social dimension;

REAFFIRMING their willingness to revitalise their special relationship and to implement a comprehensive and integrated approach for a strengthened partnership based on political dialogue, development cooperation and economic and trade relations;

ACKNOWLEDGING that a political environment guaranteeing peace, security and stability, respect for human rights, democratic principles and the rule of law, and good governance is part and parcel of long term development; acknowledging that responsibility for establishing such an environment rests primarily with the countries concerned;

ACKNOWLEDGING that sound and sustainable economic policies are prerequisites for development;

REFERRING to the principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the conclusions of the 1993 Vienna Conference on Human Rights, the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the 1949 Geneva Conventions and the other instruments of international humanitarian law, the 1954 Convention relating to the status of stateless persons, the 1951 Geneva Convention relating to the Status of Refugees and the 1967 New York Protocol relating to the Status of Refugees;

CONSIDERING the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, the African Charter on Human and Peoples' Rights and the American Convention on Human Rights as positive regional contributions to the respect of human rights in the European Union and in the ACP States;

REAFFIRMING that the most serious crimes of concern to the international community must not go unpunished and that their effective prosecution must be ensured by taking measures at national level and by enhancing global collaboration;

CONSIDERING that the establishment and effective functioning of the International Criminal Court constitute an important development for peace and international justice;

RECALLING the Libreville and Santo Domingo declarations of the Heads of State and Government of the ACP countries at their Summits in 1997 and 1999;

CONSIDERING that the Millennium Development Goals emanating from the Millennium Declaration adopted by the United Nations General Assembly in 2000, in particular the eradication of extreme poverty and hunger, as well as the development targets and principles agreed in the United Nations Conferences, provide a clear vision and must underpin ACP-EC cooperation within this Agreement;

PAYING particular attention to the pledges made at the Rio, Vienna, Cairo, Copenhagen, Beijing, Istanbul and Rome UN conferences and acknowledging the need for further action to be taken in order to achieve the goals and implement the action programmes which have been drawn up in those fora;

ANXIOUS to respect basic labour rights, taking account of the principles laid down in the relevant conventions of the International Labour Organisation;

RECALLING the commitments within the framework of the World Trade Organisation,

HAVE DECIDED TO CONCLUDE THIS AGREEMENT:

PART 1

GENERAL PROVISIONS

TITLE I

OBJECTIVES, PRINCIPLES AND ACTORS

Chapter 1 OBJECTIVES AND PRINCIPLES

ARTICLE 1

Objectives of the partnership

The Community and its Member States, of the one part, and the ACP States, of the other part, hereinafter referred to as the "Parties" hereby conclude this Agreement in order to promote and expedite the economic, cultural and social development of the ACP States, with a view to contributing to peace and security and to promoting a stable and democratic political environment.

The partnership shall be centred on the objective of reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy.

These objectives and the Parties' international commitments shall inform all development strategies and shall be tackled through an integrated approach taking account at the same time of the political, economic, social, cultural and environmental aspects of development. The partnership shall provide a coherent support framework for the development strategies adopted by each ACP State.

Sustained economic growth, developing the private sector, increasing employment and improving access to productive resources shall all be part of this framework. Support shall be given to the respect of the rights of the individual and meeting basic needs, the promotion of social development and the conditions for an equitable distribution of the fruits of growth. Regional and sub regional integration processes which fos-

ter the integration of the ACP countries into the world economy in terms of trade and private investment shall be encouraged and supported. Building the capacity of the actors in development and improving the institutional framework necessary for social cohesion, for the functioning of a democratic society and market economy, and for the emergence of an active and organised civil society shall be integral to the approach. Systematic account shall be taken of the situation of women and gender issues in all areas - political, economic and social. The principles of sustainable management of natural resources and the environment shall be applied and integrated at every level of the partnership.

ARTICLE 2

Fundamental principles

ACP-EC cooperation, underpinned by a legally binding system and the existence of joint institutions, shall be exercised on the basis of the following fundamental principles:

- equality of the partners and ownership of the development strategies: for the purposes of implementing the objectives of the partnership, the ACP States shall determine the development strategies for their economies and societies in all sovereignty and with due regard for the essential elements described in Article 9; the partnership shall encourage ownership of the development strategies by the countries and populations concerned;
- participation: apart from central government as the main partner, the partnership shall be open to different kinds of other actors in order to encourage the integration of all sections of society, including the private sector and civil society organisations, into the mainstream of political, economic and social life;
- the pivotal role of dialogue and the fulfilment of mutual obligations: the obligations assumed by the Parties in the framework of their dialogue shall be

central to their partnership and cooperation relations;

- differentiation and regionalisation: cooperation arrangements and priorities shall vary according to a partner's level of development, its needs, its performance and its long term development strategy. Particular emphasis shall be placed on the regional dimension. Special treatment shall be given to the least developed countries. The vulnerability of landlocked and island countries shall be taken into account.

ARTICLE 3

Achievement of this Agreement's objectives

The Parties shall, each as far as it is concerned in the framework of this Agreement, take all appropriate measures, whether general or particular, to ensure the fulfilment of the obligations arising from this Agreement and to facilitate the attainment of the objectives thereof. They shall refrain from any measures liable to jeopardise these objectives.

CHAPTER 2

THE ACTORS OF THE PARTNERSHIP

ARTICLE 4

General approach

The ACP States shall determine the development principles, strategies and models of their economies and societies in all sovereignty. They shall establish, with the Community, the cooperation programmes provided for under this Agreement. However, the parties recognise the complementary role of and potential for contributions by non State actors and local decentralised authorities to the development process. To this end, under the conditions laid down in this Agreement, non-State actors and local decentralised actors, shall, where appropriate:

- be informed and involved in consultation on cooperation policies and strategies, on priorities for cooperation especially in areas that concern or directly affect them, and on the political dialogue;
- be provided with financial resources, under the conditions laid down in this Agreement in order to support local development processes;
- be involved in the implementation of cooperation project and programmes in areas that concern them or where these actors have a comparative advantage;
- be provided with capacity building support in critical areas in order to reinforce the capabilities of these actors, particularly as regards organisation and representation, and the establishment of consultation mechanisms including channels of communication and dialogue, and to promote strategic alliances.

ARTICLE 5

Information

Cooperation will support operation to provide more information and create greater awareness of the basic features of ACP-EU Partnership.

Cooperation will also:

- encourage partnership and build links between ACP and EU actors;
- strengthen networking and exchange of expertise and experience among the actors.

ARTICLE 6

Definitions

1. The actors of cooperation will include:

- a) State (local, national and regional);
- b) Non-State:
 - Private sector;
 - Economic and social partners, including trade union organisations;

- Civil Society in all its forms according to national characteristics.

2. Recognition by the parties of non governmental actors shall depend on the extent to which they address the needs of the population, on their specific competencies and whether they are organised and managed democratically and transparently.

ARTICLE 7 Capacity building

The contribution of civil society to development can be enhanced by strengthening community organisations and non-profit non-governmental organisations in all spheres of cooperation. This will require:

- encouraging and supporting the creation and development of such organisations;
- establishing arrangements for involving such organisations in the design, implementation and evaluation of development strategies and programmes.

TITLE II THE POLITICAL DIMENSION

ARTICLE 8 Political dialogue

1. The Parties shall regularly engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides.
2. The objective of this dialogue shall be to exchange information, to foster mutual understanding, and to facilitate the establishment of agreed priorities and shared agendas, in particular by recognising existing links between the different aspects of the relations between the Parties and the various areas of cooperation as laid down in this Agreement. The dialogue shall facilitate consultations between the

Parties within international fora. The objectives of the dialogue shall also include preventing situations arising in which one Party might deem it necessary to have recourse to the **consultation procedures envisaged in Articles 96 and 97.**

3. The dialogue shall cover all the aims and objectives laid down in this Agreement as well as all questions of common, general, regional or sub regional interest. Through dialogue, the Parties shall contribute to peace, security and stability and promote a stable and democratic political environment. It shall encompass cooperation strategies as well as global and sectoral policies, including environment, gender, migration and questions related to the cultural heritage.
4. The dialogue shall focus, inter alia, on specific political issues of mutual concern or of general significance for the attainment of the objectives of this Agreement, such as the arms trade, excessive military expenditure, drugs and organised crime, or ethnic, religious or racial discrimination. The dialogue shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance.
5. Broadly based policies to promote peace and to prevent, manage and resolve violent conflicts shall play a prominent role in this dialogue, as shall the need to take full account of the objective of peace and democratic stability in the definition of priority areas of cooperation.
6. The dialogue shall be conducted in a flexible manner. Dialogue shall be formal or informal according to the need, and conducted within and outside the institutional framework, **including the ACP Group, the Joint parliamentary Assembly**, in the appropriate format, and at the appropriate level including regional, sub-regional or national level.

6a. Where appropriate, and in order to prevent situations arising in which one Party might deem it necessary to have recourse to the consultation procedure foreseen in Article 96, dialogue covering the essential elements shall be systematic and formalised in accordance with the modalities set out in Annexe VII.

7. Regional and sub-regional organisations as well as representatives of civil society organisations shall be associated with this dialogue.

ARTICLE 9 Essential elements regarding human rights, democratic principles and the rule of law, and fundamental element regarding good governance

1. Cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of all human rights.

Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.

2. The Parties refer to their international obligations and commitments concerning respect for human rights. They reiterate their deep attachment to human dignity and human rights, which are legitimate aspirations of individuals and peoples. Human rights are universal, indivisible and inter related. The Parties undertake to promote and protect all fundamental freedoms and human rights, be they civil and political, or economic, social and cultural. In this context, the Parties reaffirm the equality of men and women.

The Parties reaffirm that democratisation, development and the protection

of fundamental freedoms and human rights are interrelated and mutually reinforcing. Democratic principles are universally recognised principles underpinning the organisation of the State to ensure the legitimacy of its authority, the legality of its actions reflected in its constitutional, legislative and regulatory system, and the existence of participatory mechanisms. On the basis of universally recognised principles, each country develops its democratic culture.

The structure of government and the prerogatives of the different powers shall be founded on rule of law, which shall entail in particular effective and accessible means of legal redress, an independent legal system guaranteeing equality before the law and an executive that is fully subject to the law.

Respect for human rights, democratic principles and the rule of law, which underpin the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute the essential elements of this Agreement.

3. In the context of a political and institutional environment that upholds human rights, democratic principles and the rule of law, good governance is the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of law in the management and distribution of resources and capacity building for elaborating and implementing measures aiming in particular at preventing and combating corruption.

Good governance, which underpins the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute a fundamental element of this Agreement. The Parties agree that only serious cases of corruption,

including acts of bribery leading to such corruption, as defined in Article 97 constitute a violation of that element.

4. The Partnership shall actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance.

These areas will be an important subject for the political dialogue. In the context of this dialogue, the Parties shall attach particular importance to the changes underway and to the continuity of the progress achieved. This regular assessment shall take into account each country's economic, social, cultural and historical context.

These areas will also be a focus of support for development strategies. The Community shall provide support for political, institutional and legal reforms and for building the capacity of public and private actors and civil society in the framework of strategies agreed jointly between the State concerned and the Community.

ARTICLE 10 Other elements of the political environment

1. The Parties consider the following elements as contributing to the maintenance and consolidation of a stable and democratic political environment:
 - sustainable and equitable development involving, inter alia, access to productive resources, essential services and justice;
 - greater involvement of an active and organised civil society and the private sector.
2. The Parties recognise that the principles of the market economy, supported by transparent competition rules and sound economic and social policies, contribute to achieving the objectives of the partnership.

ARTICLE 11 Peace building policies, conflict prevention and resolution

1. The Parties shall pursue an active, comprehensive and integrated policy of peace building and conflict prevention and resolution within the framework of the Partnership. This policy shall be based on the principle of ownership. It shall in particular focus on building regional, sub regional and national capacities, and on preventing violent conflicts at an early stage by addressing their root-causes in a targeted manner, and with an adequate combination of all available instruments.
2. The activities in the field of peace building, conflict prevention and resolution shall in particular include support for balancing political, economic, social and cultural opportunities among all segments of society, for strengthening the democratic legitimacy and effectiveness of governance, for establishing effective mechanisms for the peaceful conciliation of group interests, for bridging dividing lines among different segments of society as well as support for an active and organised civil society.
3. Relevant activities shall also include, inter alia, support for mediation, negotiation and reconciliation efforts, for effective regional management of shared, scarce natural resources, for demobilisation and reintegration of former combatants into the society, for addressing the problem of child soldiers, as well as for suitable action to set responsible limits to military expenditure and the arms trade, including through support for the promotion and application of agreed standards and codes of conduct. In this context, particular emphasis shall be given to the fight against anti-personnel landmines as well as to addressing an excessive and uncontrolled spread, illegal trafficking and accumulation of small arms and light weapons.

- 3a. The Parties also undertake to cooperate in the prevention of mercenary activities in accordance with their obligations under international conventions and instruments, and their respective legislations and regulations.
4. In situations of violent conflict the Parties shall take all suitable action to prevent an intensification of violence, to limit its territorial spread, and to facilitate a peaceful settlement of the existing disputes. Particular attention shall be paid to ensuring that financial resources for cooperation are used in accordance with the principles and objectives of the Partnership, and to preventing a diversion of funds for beligerent purposes.
5. In post conflict situations, the Parties shall take all suitable action to facilitate the return to a non violent, stable and self sustainable situation. The Parties shall ensure the creation of the necessary links between emergency measures, rehabilitation and development cooperation.
6. In promoting the strengthening of peace and international justice, the Parties reaffirm their determination to:

- share experience in the adoption of legal adjustments required to allow for the ratification and implementation of the Rome Statute of the International Criminal Court; and
- fight against international crime in accordance with international law, giving due regard to the Rome Statute.

The Parties shall seek to take steps towards ratifying and implementing the Rome Statute and related instruments.

ARTICLE 11a Fight against terrorism

The Parties reiterate their firm condemnation of all acts of terrorism and undertake

to combat terrorism through international cooperation, in accordance with the Charter of the United Nations and international law, relevant conventions and instruments and in particular full implementation of UN Security Council Resolutions 1373 (2001) and 1456 (2003) and other relevant UN resolutions. To this end, the Parties agree to exchange:

- information on terrorist groups and their support networks; and
- views on means and methods to counter terrorist acts, including in technical fields and training, and experiences in relation to the prevention of terrorism.

ARTICLE 11b Cooperation in countering the proliferation of weapons of mass destruction

1. The Parties consider that the proliferation of weapons of mass destruction and their means of delivery, both to State and non-State actors, represents one of the most serious threats to international stability and security.

The Parties therefore agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery through full compliance with and national implementation of their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations.

The Parties agree that this provision constitutes an essential element of this Agreement.

2. The Parties furthermore agree to cooperate and to contribute to the objective of non proliferation by:
 - taking steps to sign, ratify or accede to, as appropriate, and fully implement all other relevant international instruments;
 - the establishment of an effective system of national export controls, controlling

the export as well as transit of weapons of mass destruction related goods, including a weapons of mass destruction end-use control on dual use technologies and containing effective sanctions for breaches of export controls.

Financial and technical assistance in the area of cooperation to counter the proliferation of weapons of mass destruction will be financed by specific instruments other than those intended for the financing of ACP-EC cooperation.

3. The Parties agree to establish a regular political dialogue that will accompany and consolidate their cooperation in this area.

4. If, after having conducted a strengthened political dialogue, a Party, informed in particular by reports by the International Atomic Energy Agency (IAEA), the Organisation for the Prohibition of Chemical Weapons (OPCW) and other relevant multilateral institutions, considers that the other Party has failed to fulfil an obligation stemming from paragraph 1, it shall, except in cases of special urgency, supply the other Party and both the ACP and the EC Councils of Ministers with the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. To this end, it shall invite the other Party to hold consultations that focus on the measures taken or to be taken by the Party concerned to remedy the situation.

5. The consultations shall be conducted at the level and in the form considered most appropriate for finding a solution.

The consultations shall begin no later than 30 days after the invitation and shall continue for a period established by mutual agreement, depending on the nature and gravity of the violation. In no case shall the dialogue under the consultation procedure last longer than 120 days.

6. If the consultations do not lead to a solution acceptable to both Parties, if consultation is refused or in cases of special urgency, appropriate measures may be taken. These measures shall be revoked as soon as the reasons for taking them no longer prevail.

ARTICLE 12 Coherence of Community policies and their impact on the implementation of this Agreement

Without prejudice to Article 96, where the Community intends, in the exercise of its powers, to take a measure which might affect the interests of the ACP States, as far as this Agreement's objectives are concerned, it shall inform in good time the said States of its intentions. Towards this end, the Commission shall communicate simultaneously to the Secretariat of the ACP States its proposal for such measures. Where necessary, a request for information may also take place on the initiative of the ACP States.

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

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

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

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

ARTICLE 13 Migration

1. The issue of migration shall be the subject of in depth dialogue in the framework of the ACP-EU Partnership.

The Parties reaffirm their existing obligations and commitments in international law to ensure respect for human rights and to eliminate all forms of discrimination based particularly on origin, sex, race, language and religion.

2. The Parties agree to consider that a partnership implies, with relation to migration, fair treatment of third country nationals who reside legally on their territories, integration policy aiming at granting them rights and obligations comparable to those of their citizens, enhancing non discrimination in economic, social and cultural life and developing measures against racism and xenophobia.

3. The treatment accorded by each Member State to workers of ACP countries legally employed in its territory, shall be free from any discrimination based on nationality, as regards working conditions, remuneration and dismissal, relative to its own nationals. Further in this regard, each ACP State shall accord comparable non discriminatory treatment to workers who are nationals of a Member State.

4. The Parties consider that strategies aiming at reducing poverty, improving living and working conditions, creating employment and developing training contribute in the long term to normalising migratory flows.

The Parties will take account, in the framework of development strategies and national and regional programming, of structural constraints associated with migratory flows with the purpose of supporting the economic and social development of the regions from which migrants originate and of reducing poverty.

The Community shall support, through national and regional Cooperation programmes, the training of ACP nationals in their country of origin, in another ACP country or in a Member State of the European Union. As regards training in a Member State, the Parties shall ensure that such action is geared towards the vocational integration of ACP nationals in their countries of origin.

The Parties shall develop cooperation programmes to facilitate the access of students from ACP States to education, in particular through the use of new communication technologies.

5.

a) In the framework of the political dialogue the Council of Ministers shall examine issues arising from illegal immigration with a view to establishing, where appropriate, the means for a prevention policy.

b) In this context the Parties agree in particular to ensure that the rights and dignity of individuals are respected in any procedure initiated to return illegal immigrants to their countries of origin. In this connection the authorities concerned shall extend to them the administrative facilities necessary for their return.

c) The Parties further agree that:

i) - each Member State of the European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an ACP State, at that State's request and without further formalities;

- each of the ACP States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European Union, at that Member State's request and without further formalities.

The Member States and the ACP States will provide their nationals with appropriate identity documents for such purposes.

In respect of the Member States of the European Union, the obligations in this paragraph apply only in respect of those persons who are to be considered their nationals for the Community purposes in accordance with Declaration No 2 to the Treaty establishing the European Community. In respect of ACP States, the obligations in this paragraph apply only in respect of those persons who are considered as their nationals in accordance with their respective legal system.

- ii) at the request of a Party, negotiations shall be initiated with ACP States aiming at concluding in good faith and with due regard for the relevant rules of international law, bilateral agreements governing specific obligations for the readmission and return of their nationals. These agreements shall also cover, if deemed necessary by any of the Parties, arrangements for the readmission of third country nationals and stateless persons. Such agreements will lay down the details about the categories of persons covered by these arrangements as well as the modalities of their readmission and return.

Adequate assistance to implement these agreements will be provided to the ACP States.

- iii) for the purposes of this point (c), the term “Parties” shall refer to the Community, any of its Member States and any ACP State.

PART 2

INSTITUTIONAL PROVISIONS

ARTICLE 14 The joint institutions

The institutions of this Agreement are the Council of Ministers, the Committee of Ambassadors and the Joint Parliamentary Assembly.

ARTICLE 15 The Council of Ministers

1. The Council of Ministers shall comprise, on the one hand, the members of the Council of the European Union and members of the Commission of the European Communities and, on the other, a member of the government of each ACP State.

The office of the President of the Council of Ministers shall be held alternately by a member of the Council of the European Union and a member of the government of an ACP State.

The Council shall meet as a rule once a year on the initiative of the President and whenever it seems necessary, in a form and a geographical composition appropriate to the issues to be addressed.

2. The functions of the Council of Ministers shall be to:

- a) conduct the political dialogue;
- b) adopt the policy guidelines and take the decisions necessary for the implementation of the provisions of this Agreement, in particular as regards development strategies in the specific areas provided for by this Agreement or any other area that should prove relevant, and as regards procedures;
- c) examine and resolve any issue liable to impede the effective and efficient implementation of this Agreement or present an obstacle to achieving its objectives;
- d) ensure the smooth functioning of the consultation mechanisms.

3. The Council of Ministers shall take its decisions by common agreement of the Parties. The proceedings of the Council of Ministers shall be valid only if half the members of the Council of the European Union, one member of the Commission and two thirds of the members representing the governments of the ACP States are present. Any member of the Council of Ministers unable to attend may be represented. The representative shall exercise all the rights of that member.

It may take decisions that are binding on the Parties and frame resolutions, recommendations and opinions. It shall examine and take into consideration resolutions and recommendations adopted by the Joint Parliamentary Assembly.

The Council of Ministers shall conduct an ongoing dialogue with the representatives of the social and economic partners and other actors of civil society in the ACP and the EU. To that end, consultations may be held alongside its meetings.

4. The Council of Ministers may delegate powers to the Committee of Ambassadors.
5. The Council of Ministers shall adopt its rules of procedure within six months of the entry into force of this Agreement.

ARTICLE 16 The Committee of Ambassadors

1. The Committee of Ambassadors shall comprise, on the one hand, the permanent representative of each Member State to the European Union and a representative of the Commission and, on the other, the head of mission of each ACP State to the European Union.

The office of Chairman of the Committee of Ambassadors shall be held alternately by a Permanent Representative of a Member State designated by the

Community, and a head of mission representing an ACP State, designated by the ACP States.

2. The Committee shall assist the Council of Ministers in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council. In this context, it shall monitor implementation of this Agreement and progress towards achieving the objectives set therein.

The Committee of Ambassadors shall meet regularly, in particular to prepare the Council sessions and whenever it proves necessary.

3. The Committee shall adopt its rules of procedure within six months of the entry into force of this Agreement.

ARTICLE 17 The Joint Parliamentary Assembly

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

2. The role of the Joint Parliamentary Assembly, as a consultative body, shall be to:

- promote democratic processes through dialogue and consultation;
- facilitate greater understanding between the peoples of the European Union and those of the ACP States and raise public awareness of development issues;
- discuss issues pertaining to development and the ACP-EU Partnership;

- adopt resolutions and make recommendations to the Council of Ministers with a view to achieving the objectives of this Agreement.

3. The Joint Parliamentary Assembly shall meet twice a year in plenary session, alternately in the European Union and in an ACP State. With a view to strengthening regional integration and fostering cooperation between national parliaments, meetings between EU and ACP members of parliament may be arranged at regional or subregional level.

The Joint Parliamentary Assembly shall organise regular contacts with representatives of the ACP EU economic and social partners and the other actors of civil society in order to obtain their views on the attainment of the objectives of this Agreement.

4. The Joint Parliamentary Assembly shall adopt its rules of procedure within six months of the entry into force of this Agreement.

PART 3
COOPERATION STRATEGIES

ARTICLE 18

The cooperation strategies shall be based on development strategies and economic and trade cooperation which are interlinked and complementary. The Parties shall ensure that the efforts undertaken in both aforementioned areas are mutually reinforcing.

TITLE I DEVELOPMENT STRATEGIES

CHAPTER 1 GENERAL FRAMEWORK

ARTICLE 19

Principles and objectives

1. The central objective of ACP-EC cooperation is poverty reduction and ultimately its eradication; sustainable development; and progressive integration of the ACP countries into the world economy. In this context, cooperation framework and orientations shall be tailored to the individual circumstances of each ACP country, shall promote local ownership of economic and social reforms and the integration of the private sector and civil society actors into the development process.
2. Cooperation shall refer to the conclusions of United Nations Conferences and to the objectives, targets and action programmes agreed at international level and to their follow up as a basis for development principles. Cooperation shall also refer to the international development cooperation targets and shall pay particular attention to putting in place qualitative and quantitative indicators of progress.
3. Governments and non-State actors in each ACP country shall initiate consultations on country development strategies and community support thereto.

ARTICLE 20

The Approach

1. The objectives of ACP-EC development cooperation shall be pursued through integrated strategies that incorporate economic, social, cultural, environmental and institutional elements that must be locally owned. Cooperation shall thus provide a coherent enabling framework of support to the ACP's own development strategies, ensuring complementarity and interaction between the various elements. In this context and within the framework of development policies and reforms pursued by the ACP States, ACP-EC cooperation strategies shall aim at:
 - a) achieving rapid and sustained job-creating economic growth, developing the private sector, increasing employment, improving access to productive economic activities and resource, and fostering regional cooperation and integration;
 - b) promoting human and social development helping to ensure that the fruits of growth are widely and equitably shared and promoting gender equality;
 - c) promoting cultural values of communities and specific interactions with economic, political and social elements;
 - d) promoting institutional reforms and development, strengthening the institutions necessary for the consolidation of democracy, good governance and for efficient and competitive market economies; and building capacity for development and partnership; and
 - e) promoting environmental sustainability, regeneration and best practices, and the preservation of natural resource base.
2. Systematic account shall be taken in mainstreaming into all areas of cooperation the following thematic or cross-cutting themes: gender issues, environmental issues and institutional development and capacity building. These areas shall also be eligible for Community support.

3. The detailed texts as regards development cooperation objectives and strategies, in particular sectoral policies and strategies shall be incorporated in a compendium providing operational guidelines in specific areas or sectors of cooperation. These texts may be revised, reviewed and/or amended by the Council of Ministers on the basis of a recommendation from the ACP-EC Development Finance Cooperation Committee.

CHAPTER 2 AREAS OF SUPPORT

SECTION 1 ECONOMIC DEVELOPMENT

ARTICLE 21

Investment and private sector development

1. Cooperation shall support the necessary economic and institutional reforms and policies at national and/or regional level, aiming at creating a favourable environment for private investment, and the development of a dynamic, viable and competitive private sector. Cooperation shall further support:
 - a) the promotion of public-private sector dialogue and cooperation;
 - b) the development of entrepreneurial skills and business culture;
 - c) privatisation and enterprise reform; and
 - d) development and modernisation of mediation and arbitration systems.
2. Cooperation shall also support improving the quality, availability and accessibility of financial and non-financial services to private enterprises, both formal and informal; by:

- a) catalysing and leveraging flows of private savings, both domestic and foreign, into the financing of private enterprises by supporting policies for developing a modern financial sector including a capital market, financial institutions and sustainable microfinance operations;
 - b) development and strengthening of business institutions and intermediary organisations, associations, chambers of commerce and local providers from the private sector supporting and providing non-financial services to enterprises such as professional, technical, management, training and commercial support services; and
 - c) supporting institutions, programmes, activities and initiatives that contribute to the development and transfer of technologies and know how and best practices on all aspects of business management.
3. Cooperation shall promote business development through the provision of finance, guarantee facilities and technical support aimed at encouraging and supporting the creation, establishment, expansion, diversification, rehabilitation, restructuring, modernisation or privatisation of dynamic, viable and competitive enterprises in all economic sectors as well as financial intermediaries such as development finance and venture capital institutions, and leasing companies by:
 - a) creating and/or strengthening financial instruments in the form of investment capital;
 - b) improving access to essential inputs such as business information and advisory, consultancy or technical assistance services;
 - c) enhancement of export activities, in particular through capacity building in all trade-related areas; and
 - d) encouraging inter-firm linkages, networks and cooperation including those involving the transfer of technology and

know-how at national, regional and ACP EU levels, and partnerships with private foreign investors which are consistent with the objectives and guidelines of ACP-EC Development cooperation.

4. Cooperation shall support microenterprise development through better access to financial and non-financial services; an appropriate policy and regulatory framework for their development; and provide training and information services on best practices in microfinance.
5. Support for investment and private sector development shall integrate actions and initiatives at macro, meso and micro economic levels.

ARTICLE 22

Macroeconomic and structural reforms and policies

1. Cooperation shall support ACP efforts to implement:
 - a) macroeconomic growth and stabilisation through disciplined fiscal and monetary policies that result in the reduction of inflation, and improve external and fiscal balances, by strengthening fiscal discipline, enhancing budgetary transparency and efficiency, improving the quality, the equity and composition of fiscal policy; and
 - b) structural policies designed to reinforce the role of the different actors, especially the private sector and improve the environment for increases in business, investment and employment, as well as:
 - i) liberalise trade and foreign exchange regimes and current account convertibility, having regard to the particular circumstances of each country;
 - ii) strengthen labour and product-market reforms;
 - iii) encourage financial systems reforms which help to develop viable bank-

ing and non-banking systems, capital markets and financial services, including micro finance;

- iv) improve the quality of private and public services; and
 - v) encourage regional cooperation and progressive integration of macro-economic and monetary policies.
2. The design of macroeconomic policies and structural adjustment programmes shall reflect the socio political background and institutional capacity of the countries concerned, ensure a positive impact on poverty reduction and social services access and shall be based on the following principles:
 - a) the ACP States shall bear primary responsibility for the analysis of the problems to be solved, the design and the implementation of the reforms;
 - b) support programmes shall be adapted to the different situation in each ACP State and be sensitive to the social conditions, culture and environment of these States;
 - c) the right of the ACP States to determine the direction and the sequencing of their development strategies and priorities shall be recognised and respected;
 - d) the pace of reforms shall be realistic and compatible with each ACP State's capacities and resources; and
 - e) strengthening the communication and the information of populations on economic and social reforms and policies.

ARTICLE 23

Economic sector development

Cooperation shall support sustainable policy and institutional reforms and the investments necessary for equitable access to economic activities and productive resources, particularly:

- a) the development of training systems that help increase productivity in both the formal and the informal sectors;
- b) capital, credit, land, especially as regards property rights and use;
- c) development of rural strategies aimed at establishing a framework for participatory decentralised planning, resource allocation and management;
- d) agricultural production strategies, national and regional food security policies, sustainable development of water resources and fisheries as well as marine resources within the economic exclusive zones of the ACP States. Any fishery agreement that may be negotiated between the Community and the ACP States shall pay due consideration to consistency with the development strategies in this area;
- e) economic and technological infrastructure and services, including transport, telecommunication systems, communication services and the development of information society;
- f) development of competitive industrial, mining and energy sectors, while encouraging private sector involvement and development;
- g) trade development, including the promotion of fair trade;
- h) development of business, finance and banking; and other service sectors;
- i) tourism development; and
- j) development of scientific, technological and research infrastructure and services; including the enhancement, transfer and absorption of new technologies;
- k) the strengthening of capacities in productive areas, especially in public and private sectors;
- l) the promotion of traditional knowledge.

ARTICLE 24

Tourism

Cooperation will aim at the sustainable development of the tourism industry in ACP countries and sub regions, recognising its increasing importance to the growth of the services sector in ACP countries and to the expansion of their global trade, its ability to stimulate other sectors of economic activity, and the role it can play in poverty eradication.

Cooperation programmes and projects will support the efforts of ACP countries to establish and improve the countries legal and institutional framework and resources for the development and implementation of sustainable tourism policies and programmes, as well as inter alia, improving the competitive position of the sector, especially small and medium-sized enterprises (SMEs), investment support and promotion, product development including the development of indigenous cultures in ACP countries, and strengthening linkages between tourism and other sectors of economic activity.

SECTION 2 SOCIAL AND HUMAN DEVELOPMENT

ARTICLE 25

Social sector development

1. Cooperation shall support ACP States' efforts at developing general and sectoral policies and reforms which improve the coverage, quality of and access to basic social infrastructure and services and take account of local needs and specific demands of the most vulnerable and disadvantaged, thus reducing the inequalities of access to these services. Special attention shall be paid to ensuring adequate levels of public spending in the social sectors. In this context, cooperation shall aim at:

- a) improving education and training, and building technical capacity and skills;
- b) improving health systems and nutrition, eliminating hunger and malnutrition, ensuring adequate food supply and security;
- c) integrating population issues into development strategies in order to improve reproductive health, primary health care, family planning; and prevention of female genital mutilation;
- d) promoting the fight against:
 - HIV/AIDS, ensuring the protection of sexual and reproductive health and rights of women;
 - other poverty-related diseases, particularly malaria and tuberculosis;
- e) increasing the security of household water and improving access to safe water and adequate sanitation;
- f) improving the availability of affordable and adequate shelter for all through supporting low cost and low income housing programs and improving urban development; and
- g) encouraging the promotion of participatory methods of social dialogue as well as respect for basic social rights.

2. Cooperation shall also support capacity-building in social areas such as programmes for training in the design of social policies and modern methods for managing social projects and programmes; policies conducive to technological innovation and research; building local expertise and promoting partnerships; and round-table discussions at national and/or regional level.

3. Cooperation shall promote and support the development and implementation of policies and of systems of social protection and security in order to enhance social cohesion and to promote self help and community solidarity. The focus of the support shall, inter-alia, be on developing initiatives based on economic solidarity, particularly by setting-up social development funds adapted to local needs and actors.

ARTICLE 26 Youth issues

Cooperation shall also support the establishment of a coherent and comprehensive policy for realising the potential of youth so that they are better integrated into society to achieve their full potential. In this context, cooperation shall support policies, measures and operations aimed at:

- a) protecting the rights of children and youth, especially those of girl children;
- b) promoting the skills, energy, innovation and potential of youth in order to enhance their economic, social and cultural opportunities and enlarge their employment opportunities in the productive sector;
- c) helping community-based institutions to give children the opportunity to develop their physical, psychological, social and economic potential;
- d) reintegrating into society children in post conflict situations through rehabilitation programmes; and
- e) promoting the active participation of young citizens in public life and fostering student exchanges and interaction of ACP and EU youth organisations.

ARTICLE 27 Cultural development

Cooperation in the area of culture shall aim at:

- a) integrating the cultural dimension at all levels of development cooperation;
- b) recognising, preserving and promoting cultural values and identities to enable inter cultural dialogue;
- c) recognising, preserving and promoting the value of cultural heritage; supporting the development of capacity in this sector; and

- d) developing cultural industries and enhancing market access opportunities for cultural goods and services.

SECTION 3 REGIONAL COOPERATION AND INTEGRATION

ARTICLE 28 General approach

Cooperation shall provide effective assistance to achieve the objectives and priorities which the ACP States have set themselves in the context of regional and sub-regional cooperation and integration, including inter-regional and intra ACP cooperation. Regional Cooperation may also involve non-ACP developing countries as well as Overseas Countries and Territories (OCTs) and outermost regions. In this context, cooperation support shall aim to:

- a) foster the gradual integration of the ACP States into the world economy;
- b) accelerate economic cooperation and development both within and between the regions of the ACP States;
- c) promote the free movement of persons, goods, services, capital, labour and technology among ACP countries;
- d) accelerate diversification of the economies of the ACP States; and co-ordination and harmonisation of regional and sub-regional cooperation policies; and
- e) promote and expand inter and intra ACP trade and with third countries.

ARTICLE 29 Regional economic integration

Cooperation shall, in the area of regional economic integration, support:

- a) developing and strengthening the capacities of:

- i) regional integration institutions and organisations set up by the ACP States and those with ACP State participation that promote regional cooperation and integration, and
- ii) national governments and parliaments in matters of regional integration;

- b) fostering participation of Least Developed Countries (LDC) ACP States in the establishment of regional markets and sharing the benefits therefrom;
- c) implementation of sectoral reform policies at regional level;
- d) liberalisation of trade and payments;
- e) promoting cross border investments both foreign and domestic, and other regional or sub regional economic integration initiatives; and
- f) taking account of the effects of net transitional costs of regional integration on budget revenue and balance of payments.

ARTICLE 30 Regional Cooperation

1. Cooperation shall, in the area of regional cooperation, support a wide variety of functional and thematic fields which specifically address common problems and take advantage of scale of economies, including:

- a) infrastructure particularly transport and communications and safety thereof and services, including the development of regional opportunities in the area of Information and Communication Technologies (ICT);
- b) the environment; water resource management and energy;
- c) health, education and training;
- d) research and technological development;

- e) regional initiatives for disaster preparedness and mitigation; and
 - f) other areas, including arms control, action against drugs, organised crimes, money laundering, bribery and corruption.
2. Cooperation shall also support inter and intra-ACP cooperation schemes and initiatives, **including those involving non-ACP developing countries.**
3. Cooperation shall help promote and develop a regional political dialogue in areas of conflict prevention and resolution; human rights and democratisation; exchange, networking, and promotion of mobility between the different actors of development, in particular in civil society.

SECTION 4 THEMATIC AND CROSS-CUTTING ISSUES

ARTICLE 31 Gender issues

Cooperation shall help strengthen policies and programmes that improve, ensure and broaden the equal participation of men and women in all spheres of political, economic, social and cultural life. Cooperation shall help improve the access of women to all resources required for the full exercise of their fundamental rights. More specifically, cooperation shall create the appropriate framework to:

- a) integrate a gender-sensitive approach and concerns at every level of development cooperation including macro-economic policies, strategies and operations; and
- b) encourage the adoption of specific positive measures in favour of women such as:
 - i) participation in national and local politics;

- ii) support for women's organisations;
- iii) access to basic social services, especially to education and training, health care and family planning;
- iv) access to productive resources, especially to land and credit and to labour market; and
- v) taking specific account of women in emergency aid and rehabilitation operations.

ARTICLE 32 Environment and natural resources

1. Cooperation on environmental protection and sustainable utilisation and management of natural resources shall aim at:
- a) mainstreaming environmental sustainability into all aspects of development cooperation and support programmes and projects implemented by the various actors;
 - b) building and/or strengthening the scientific and technical human and institutional capacity for environmental management for all environmental stakeholders;
 - c) supporting specific measures and schemes aimed at addressing critical sustainable management issues and also relating to current and future regional and international commitments concerning mineral and natural resources such as:
 - i) tropical forests, water resources, coastal, marine and fisheries resources, wildlife, soils, biodiversity;
 - ii) protection of fragile ecosystems (e.g. coral reef);
 - iii) renewable energy sources notably solar energy and energy efficiency;
 - iv) sustainable rural and urban development;

- v) desertification, drought and deforestation;
 - vi) developing innovative solutions to urban environmental problems; and
 - vii) promotion of sustainable tourism.
- d) Taking into account issues relating to the transport and disposal of hazardous waste.
2. Cooperation shall also take account of:
- a) the vulnerability of small island ACP countries, especially to the threat posed by climate change;
 - b) the worsening drought and desertification problems especially of least developed and land locked countries; and
 - c) Institutional development and capacity building

ARTICLE 33 Institutional development and capacity building

1. Cooperation shall pay systematic attention to institutional aspects and in this context, shall support the efforts of the ACP States to develop and strengthen structures, institutions and procedures that help to:
- a) promote and sustain democracy, human dignity, social justice and pluralism, with full respect for diversity within and among societies;
 - b) promote and sustain universal and full respect for and observance and protection of all human rights and fundamental freedoms;
 - c) develop and strengthen the rule of law; and improve access to justice, while guaranteeing the professionalism and independence of the judicial systems; and
 - d) ensure transparent and accountable governance and administration in all public institutions.

- 2. The Parties shall work together in the fight against bribery and corruption in all their societies.
- 3. Cooperation shall support ACP States' efforts to develop their public institutions into a positive force for growth and development and to achieve major improvements in the efficiency of government services as they affect the lives of ordinary people. In this context, cooperation shall assist the reform, rationalisation and the modernisation of the public sector. Specifically, cooperation support shall focus on:
 - a) the reform and modernisation of the civil service;
 - b) legal and judicial reforms and modernisation of justice systems;
 - c) improvement and strengthening of public finance management;
 - d) accelerating reforms of the banking and financial sector;
 - e) improvement of the management of public assets and reform of public procurement procedures; and
 - f) political, administrative, economic and financial decentralisation.
- 4. Cooperation shall also assist to restore and/or enhance critical public sector capacity and to support institutions needed to underpin a market economy, especially support for:
 - a) developing legal and regulatory capabilities needed to cope with the operation of a market economy, including competition policy and consumer policy;
 - b) improving capacity to analyse, plan, formulate and implement policies, in particular in the economic, social, environmental, research, science and technology and innovation fields;
 - c) modernising, strengthening and reforming financial and monetary institutions and improving procedures;

d) building the capacity at the local and municipal levels which is required to implement decentralisation policy and to increase the participation of the population in the development process; and

e) developing capacity in other critical areas such as:

i) international negotiations; and

ii) management and coordination of external aid.

5. Cooperation shall span all areas and sectors of cooperation to foster the emergence of non State actors and the development of their capacities; and to strengthen structures for information, dialogue and consultation between them and the national authorities, including at regional level.

TITLE II ECONOMIC AND TRADE COOPERATION

CHAPTER 1 OBJECTIVES AND PRINCIPLES

ARTICLE 34 Objectives

1. Economic and trade cooperation shall aim at fostering the smooth and gradual integration of the ACP States into the world economy, with due regard for their political choices and development priorities, thereby promoting their sustainable development and contributing to poverty eradication in the ACP countries.
2. The ultimate objective of economic and trade cooperation is to enable the ACP States to play a full part in international trade. In this context, particular regard shall be had to the need for the ACP States to participate actively in multilateral trade negotiations. Given the current level of development of the ACP countries, economic and trade cooperation shall be directed at enabling the ACP States to manage the challenges of globalisation and to adapt progressively to new conditions of international trade thereby facilitating their transition to the liberalised global economy.
3. To this end economic and trade cooperation shall aim at enhancing the production, supply and trading capacity of the ACP countries as well as their capacity to attract investment. It shall further aim at creating a new trading dynamic between the Parties, at strengthening the ACP countries trade and investment policies and at improving the ACP countries' capacity to handle all issues related to trade.
4. Economic and trade cooperation shall be implemented in full conformity with the

provisions of the WTO, including special and differential treatment, taking account of the Parties' mutual interests and their respective levels of development.

ARTICLE 35 Principles

1. Economic and trade cooperation shall be based on a true, strengthened and strategic partnership. It shall further be based on a comprehensive approach which builds on the strengths and achievements of the previous ACP-EC Conventions, using all means available to achieve the objectives set out above by addressing supply and demand side constraints. In this context, particular regard shall be had to trade development measures as a means of enhancing ACP States' competitiveness. Appropriate weight shall therefore be given to trade development within the ACP States' development strategies, which the Community shall support.
2. Economic and trade cooperation shall build on regional integration initiatives of ACP States, bearing in mind that regional integration is a key instrument for the integration of ACP countries into the world economy.
3. Economic and trade cooperation shall take account of the different needs and levels of development of the ACP countries and regions. In this context, the Parties reaffirm their attachment to ensuring special and differential treatment for all ACP countries and to maintaining special treatment for ACP LDCs and to taking due account of the vulnerability of small, landlocked and island countries.

CHAPTER 2 NEW TRADING ARRANGEMENTS

ARTICLE 36 Modalities

1. In view of the objectives and principles set out above, the Parties agree to conclude new World Trade Organisation (WTO) compatible trading arrangements, removing progressively barriers to trade between them and enhancing cooperation in all areas relevant to trade.
2. The Parties agree that the new trading arrangements shall be introduced gradually and recognise the need, therefore, for a preparatory period.
3. In order to facilitate the transition to the new trading arrangements, the non-reciprocal trade preferences applied under the Fourth ACP-EC Convention shall be maintained during the preparatory period for all ACP countries, under the conditions defined in Annexe V to this Agreement.
4. In this context, the Parties reaffirm the importance of the commodity protocols, attached to Annexe V of this Agreement. They agree on the need to review them in the context of the new trading arrangements, in particular as regards their compatibility with WTO rules, with a view to safeguarding the benefits derived therefrom, bearing in mind the special legal status of the Sugar Protocol.

ARTICLE 37 Procedures

1. Economic partnership agreements shall be negotiated during the preparatory period which shall end by 31 December 2007 at the latest. Formal negotiations of the new trading arrangements shall start in September 2002 and the new trading arrangements shall enter into

force by 1 January 2008, unless earlier dates are agreed between the Parties.

2. All the necessary measures shall be taken so as to ensure that the negotiations are successfully concluded within the preparatory period. To this end, the period up to the start of the formal negotiations of the new trading arrangements shall be actively used to make initial preparations for these negotiations.

3. The preparatory period shall also be used for capacity building in the public and private sectors of ACP countries, including measures to enhance competitiveness, for strengthening of regional organisations and for support to regional trade integration initiatives, where appropriate with assistance to budgetary adjustment and fiscal reform, as well as for infrastructure upgrading and development, and for investment promotion.

4. The Parties will regularly review the progress of the preparations and negotiations and, will in 2006 carry out a formal and comprehensive review of the arrangements planned for all countries to ensure that no further time is needed for preparations or negotiations.

5. Negotiations of the economic partnership agreements will be undertaken with ACP countries which consider themselves in a position to do so, at the level they consider appropriate and in accordance with the procedures agreed by the ACP Group, taking into account regional integration process within the ACP.

6. In 2004, the Community will assess the situation of the non LDC which, after consultations with the Community decide that they are not in a position to enter into economic partnership agreements and will examine all alternative possibilities, in order to provide these countries with a new framework for trade which is equivalent to their existing situation and in conformity with WTO rules.

7. Negotiations of the economic partnership agreements shall aim notably at establishing the timetable for the progressive removal of barriers to trade between the Parties, in accordance with the relevant WTO rules. On the Community side trade liberalisation shall build on the *acquis* and shall aim at improving current market access for the ACP countries through *inter alia*, a review of the rules of origin. Negotiations shall take account of the level of development and the socio economic impact of trade measures on ACP countries, and their capacity to adapt and adjust their economies to the liberalisation process. Negotiations will therefore be as flexible as possible in establishing the duration of a sufficient transitional period, the final product coverage, taking into account sensitive sectors, and the degree of asymmetry in terms of timetable for tariff dismantlement, while remaining in conformity with WTO rules then prevailing.

8. The Parties shall closely cooperate and collaborate in the WTO with a view to defending the arrangements reached, in particular with regard to the degree of flexibility available.

9. The Community will start by the year 2000, a process which by the end of multilateral trade negotiations and at the latest 2005 will allow duty free access for essentially all products from all LDC building on the level of the existing trade provisions of the Fourth ACP-EC Convention and which will simplify and review the rules of origin, including cumulation provisions, that apply to their exports.

ARTICLE 38

Joint Ministerial Trade Committee

1. A Joint ACP-EC Ministerial Trade Committee shall be established.
2. The Ministerial Trade Committee shall pay special attention to current multilateral trade negotiations and shall

examine the impact of the wider liberalisation initiatives on ACP-EC trade and the development of ACP economies. It shall make any necessary recommendations with a view to preserving the benefits of the ACP-EC trading arrangements.

3. The Ministerial Trade Committee shall meet at least once a year. Its rules of procedure shall be laid down by the Council of Ministers. It shall be composed of representatives of the ACP States and of the Community.

CHAPTER 3 COOPERATION IN THE INTERNATIONAL FORA

ARTICLE 39

General Provisions

1. The Parties underline the importance of their active participation in the WTO as well as in other relevant international organisations by becoming members of these organisations and closely following their agenda and activities.
2. They agree to cooperate closely in identifying and furthering their common interests in international economic and trade cooperation in particular in the WTO, including participation in setting and conducting the agenda in future multilateral trade negotiations. In this context, particular attention shall be paid to improve access to the Community and other markets for products and services originating in the ACP countries.
3. They also agree on the importance of flexibility in WTO rules to take account of the ACP's level of development as well of the difficulties faced in meeting their obligations. They further agree on the need for technical assistance to enable the ACP countries to implement their commitments.
4. The Community agrees to assist the ACP States in their efforts, in accordance

with the provisions set out in this Agreement, to become active members of these organisations, by developing the necessary capacity to negotiate, participate effectively, monitor and implement these agreements.

ARTICLE 40

Commodities

1. The Parties recognise the need to ensure a better operation of international commodity markets and to increase market transparency.
2. They confirm their willingness to step up consultations between them in the international fora and organisations dealing with commodities.
3. To this end, exchange of views shall take place at the request of either Party:

- regarding the operation of existing international agreements or specialised intergovernmental working parties with the aim of improving them and making them more effective, consistent with market trends;

- when it is proposed to conclude or renew an international agreement or set up a specialised intergovernmental working party.

The aim of such exchanges of views shall be to take account of the respective interest of each party. They may take place, where necessary, in the framework of the Ministerial Trade Committee.

CHAPTER 4 TRADE IN SERVICES

ARTICLE 41

General Provisions

1. The Parties underline the growing importance of services in international trade and their major contribution to economic and social development.

2. They reaffirm their respective commitments under the General Agreement on Trade in Services (GATS), and underline the need for special and differential treatment to ACP suppliers of services.
3. In the framework of the negotiations for progressive liberalisation in trade and services, as provided for in Article XIX of GATS, the Community undertakes to give sympathetic consideration to the ACP States' priorities for improvement in the EC schedule, with a view to meeting their specific interests.
4. The Parties further agree on the objective of extending under the economic partnership agreements, and after they have acquired some experience in applying the Most Favoured Nation (MFN) treatment under GATS, their partnership to encompass the liberalisation of services in accordance with the provisions of GATS and particularly those relating to the participation of developing countries in liberalisation agreements.
5. The Community shall support the ACP States' efforts to strengthen their capacity in the supply of services. Particular attention shall be paid to services related to labour, business, distribution, finance, tourism, culture and construction and related engineering services with a view to enhancing their competitiveness and thereby increasing the value and the volume of their trade in goods and services.

ARTICLE 42 Maritime Transport

1. The Parties acknowledge the importance of cost-effective and efficient maritime transport services in a safe and clean marine environment as the main mode of transportation facilitating international trade and thereby constituting one of the forces behind economic development and the development of trade.

2. They undertake to promote the liberalisation of maritime transport and to this end apply effectively the principle of unrestricted access to the international maritime transport market on a non-discriminatory and commercial basis.
3. Each Party shall grant, inter alia, a treatment no less favourable than that accorded to its own ships, for ships operated by nationals or companies of the other Party, and for ships registered in the territory of either party, with respect to access to ports, the use of infrastructure and auxiliary maritime services of those ports, as well as related fees and charges, customs facilities and the assignment of berths and facilities for loading and unloading.
4. The Community shall support the ACP States' efforts to develop and promote cost effective and efficient maritime transport services in the ACP States with a view to increasing the participation of ACP operators in international shipping services.

ARTICLE 43 Information and Communication Technologies, and Information Society

1. The Parties recognise the important role of information and communication technologies, as well as the active participation in the Information Society, as a prerequisite for the successful integration of the ACP countries into the world economy.
2. They therefore reconfirm their respective commitments under existing multilateral agreements, in particular the protocol on Basic Telecommunications attached to the GATS, and invite those ACP countries, which are not yet members of these agreements, to accede to them.
3. They furthermore agree to participate fully and actively in any future international negotiation, which might be conducted in this area.

4. The Parties will therefore take measures that will enable inhabitants of ACP countries easy access to information and communication technologies, through, amongst other, the following measures:

- the development and encouragement of the use of affordable renewable energy resources;
- the development and deployment of more extensive low-cost wireless networks; and
- the development and encouragement of the use of local content for Information and Communication Technologies

5. The Parties also agree to step up cooperation between them in the area of information and communication technologies, and the Information Society. This cooperation shall, in particular, be directed towards greater complementarity and harmonisation of communication systems, at national, regional and international level and their adaptation to new technologies.

CHAPTER 5 TRADE RELATED AREAS

ARTICLE 44 General Provisions

1. The Parties acknowledge the growing importance of new areas related to trade in facilitating progressive integration of the ACP States into the world economy. They therefore agree to strengthen their cooperation in these areas by establishing full and coordinated participation in the relevant international fora and agreements.
2. The Community shall support the ACP States' efforts, in accordance with the provisions set out in this Agreement and the development strategies agreed

between the Parties to strengthen their capacity to handle all areas related to trade, including, where necessary, improving and supporting the institutional framework.

ARTICLE 45 Competition Policy

1. The Parties agree that the introduction and implementation of effective and sound competition policies and rules are of crucial importance in order to improve and secure an investment friendly climate, a sustainable industrialisation process and transparency in the access to markets.
2. To ensure the elimination of distortions to sound competition and with due consideration to the different levels of development and economic needs of each ACP country, they undertake to implement national or regional rules and policies including the control and under certain conditions the prohibition of agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition. The Parties further agree to prohibit the abuse by one or more undertakings of a dominant position in the common market of the Community or in the territory of ACP States.

3. The Parties also agree to reinforce cooperation in this area with a view to formulating and supporting effective competition policies with the appropriate national competition agencies that progressively ensure the efficient enforcement of the competition rules by both private and state enterprises. Cooperation in this area shall, in particular, include assistance in the drafting of an appropriate legal framework and its administrative enforcement with particular reference to the special situation of the least developed countries.

ARTICLE 46

Protection of Intellectual Property Rights

1. Without prejudice to the positions of the Parties in multilateral negotiations, the Parties recognise the need to ensure an adequate and effective level of protection of intellectual, industrial and commercial property rights, and other rights covered by TRIPS including protection of geographical indications, in line with the international standards with a view to reducing distortions and impediments to bilateral trade.
2. They underline the importance, in this context, of adherence to the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) to the WTO Agreement and the Convention on Biological Diversity (CBD).
3. They also agree on the need to accede to all relevant international conventions on intellectual, industrial and commercial property as referred to in Part I of the TRIPS Agreement, in line with their level of development.
4. The Community, its Member States and the ACP States may consider the conclusion of agreements aimed at protecting trademarks and geographical indications for products of particular interest of either Party.
5. For the purpose of this Agreement, intellectual property includes in particular copyright, including the copyright on computer programmes, and neighbouring rights, including artistic designs, and industrial property which includes utility models, patents including patents for bio-technological inventions and plant varieties or other effective sui generis systems, industrial designs, geographical indications including appellations of origin, trademarks for goods or services, topographies of integrated circuits as well as the legal protection of data bases and the protection against unfair competi-

tion as referred to in Article 10a of the Paris Convention for the Protection of Industrial Property and protection of undisclosed confidential information on know how.

6. The Parties further agree to strengthen their cooperation in this field. Upon request and on mutually agreed terms and conditions cooperation shall inter alia extend to the following areas: the preparation of laws and regulations for the protection and enforcement of intellectual property rights, the prevention of the abuse of such rights by rightholders and the infringement of such rights by competitors, the establishment and reinforcement of domestic and regional offices and other agencies including support for regional intellectual property organisations involved in enforcement and protection, including the training of personnel.

ARTICLE 47

Standardisation and Certification

1. The Parties agree to cooperate more closely in the field of standardisation, certification and quality assurance to remove unnecessary technical barriers and to reduce differences between them in those areas, so as to facilitate trade.

In this context, they reaffirm their commitment under the Agreement on Technical Barriers to trade, annexed to the WTO Agreement (TBT Agreement).
2. Cooperation in standardisation and certification shall aim at promoting compatible systems between the Parties and in particular include:
 - measures, in accordance with the TBT Agreement, to promote greater use of international technical regulations, standards and conformity assessment procedures, including sector specific measures, in accordance with the level of economic development of ACP countries,

- cooperation in the area of quality management and assurance in selected sectors of importance to the ACP States,

- support for capacity building initiatives in the ACP countries in the fields of conformity assessment, metrology and standardisation,

- developing functioning links between ACP and European standardisation, conformity assessment and certification institutions.

3. The Parties undertake to consider, in due course, negotiating mutual recognition agreements in sectors of mutual economic interest.

ARTICLE 48

Sanitary and Phytosanitary Measures

1. The Parties recognise the right of each Party to adopt or to enforce sanitary and phytosanitary measures necessary to protect human, animal or plant life or health, subject to the requirement that these measures do not constitute a means of arbitrary discrimination or a disguised restriction to trade, generally. To this end, they reaffirm their commitments under the Agreement on the Application of Sanitary and Phytosanitary Measures, annexed to the WTO Agreement (SPS Agreement), taking account of their respective level of development.
2. They further undertake to reinforce coordination, consultation and information as regards notification and application of proposed sanitary and phytosanitary measures, in accordance with the SPS Agreement whenever these measures might affect the interests of either Party. They also agree on prior consultation and coordination within the CODEX ALIMENTARIUS, the International Office of Epizootics and the International Plant Protection Convention, with a view to furthering their common interests.

3. The Parties agree to strengthen their cooperation with a view to reinforcing the capacity of the public and the private sector of the ACP countries in this field.

ARTICLE 49

Trade and Environment

1. The Parties reaffirm their commitment to promoting the development of international trade in such a way as to ensure sustainable and sound management of the environment, in accordance with the international conventions and undertakings in this area and with due regard to their respective level of development. They agree that the special needs and requirements of ACP States should be taken into account in the design and implementation of environment measures.

2. Bearing in mind the Rio Principles and with a view to reinforcing the mutual supportiveness of trade and environment, the Parties agree to enhance their cooperation in this field. Cooperation shall in particular aim at the establishment of coherent national, regional and international policies, reinforcement of quality controls of goods and services related to the environment, the improvement of environment friendly production methods in relevant sectors.

ARTICLE 50

Trade and Labour Standards

1. The Parties reaffirm their commitment to the internationally recognised core labour standards, as defined by the relevant International Labour Organisation (ILO) Conventions, and in particular the freedom of association and the right to collective bargaining, the abolition of forced labour, the elimination of worst forms of child labour and non-discrimination in respect to employment.
2. They agree to enhance cooperation in this area, in particular in the following fields:

- exchange of information on the respective legislation and work regulation;
- the formulation of national labour legislation and strengthening of existing legislation;
- educational and awareness raising programmes;
- enforcement of adherence to national legislation and work regulation.

3. The Parties agree that labour standards should not be used for protectionist trade purposes.

ARTICLE 51

Consumer Policy and Protection of Consumer Health

1. The Parties agree to step up their co-operation in the area of consumer policy and consumer health protection, having due regard to domestic legislation to avoid barriers to trade.
2. Cooperation shall, in particular, aim at improving the institutional and technical capacity in this area, establishing rapid alert systems of mutual information on dangerous products, exchanging information and experiences on the establishment and operation of post market surveillance of products and product safety, improving information provided to consumers on prices, characteristics of products and services offered, encouraging the development of independent consumer associations and contacts between consumer interest representatives, improving compatibility of consumer policies and systems, notifying enforcement of the legislation and promoting cooperation in investigating harmful or unfair business practices and implementing exports prohibitions in the trade between the Parties of goods and services the marketing of which has been prohibited in their country of production.

ARTICLE 52

Tax Carve-out Clause

1. Without prejudice to the provisions of Article 31 of Annexe IV, the Most Favoured Nation treatment granted in accordance with the provisions of this Agreement, or any arrangement adopted under this Agreement, does not apply to tax advantages which the Parties are providing or may provide in the future on the basis of agreements to avoid double taxation or other tax arrangements, or domestic fiscal legislation.
2. Nothing in this Agreement, or in any arrangements adopted under this Agreement, may be construed to prevent the adoption or enforcement of any measure aimed at preventing the avoidance or evasion of taxes pursuant to the tax provisions of agreements to avoid double taxation or other tax arrangements, or domestic fiscal legislation.
3. Nothing in this Agreement, or in any arrangements adopted under this Agreement, shall be construed to prevent the Parties from distinguishing, in the application of the relevant provisions of their fiscal legislation, between taxpayers who are not in the same situation, in particular with regard to their place of residence, or with regard to the place where their capital is invested.

CHAPTER 6

COOPERATION IN OTHER AREAS

ARTICLE 53

Fishery Agreements

1. The Parties declare their willingness to negotiate fishery agreements aimed at guaranteeing sustainable and mutually satisfactory conditions for fishing activities in ACP States.
2. In the conclusion or implementation of such agreements, the ACP States shall not discriminate against the Community or among the Member States, without prejudice to special arrangements between developing States within the same geographical area, including reciprocal fishing arrangements, nor shall the Community discriminate against ACP States.

ARTICLE 54

Food security

1. With regard to available agricultural products, the Community undertakes to ensure that export refunds can be fixed further in advance for all ACP States in respect of a range of products drawn up in the light of the food requirements expressed by those States.
2. Advance fixing shall be for one year and shall be applied each year throughout the life of this Agreement, it being understood that the level of the refund will be determined in accordance with the methods normally followed by the Commission.
3. Specific agreements may be concluded with those ACP States which so request in the context of their food security policies.
4. The specific agreements referred to in paragraph 3 shall not place in jeopardy production and trade flows in ACP regions.

PART 4
DEVELOPMENT FINANCE COOPERATION

TITLE I GENERAL PROVISIONS

CHAPTER 1 OBJECTIVES, PRINCIPLES, GUIDELINES AND ELIGIBILITY

ARTICLE 55 Objectives

The objectives of development finance cooperation shall be, through the provision of adequate financial resources and appropriate technical assistance, to support and promote the efforts of ACP States to achieve the objectives set out in this Agreement on the basis of mutual interest and in a spirit of interdependence.

ARTICLE 56 Principles

1. Development finance cooperation shall be implemented on the basis of and be consistent with the development objectives, strategies and priorities established by the ACP States, at both national and regional levels. Their respective geographical, social and cultural characteristics, as well as their specific potential, shall be taken into account. In addition, cooperation shall:

- a) promote local ownership at all levels of the development process;
- b) reflect a partnership based on mutual rights and obligations;
- c) emphasise the importance of predictability and security in resource flows, granted on highly concessional terms and on a continuous basis;
- d) be flexible and appropriate to the situation in each ACP State as well as adapted to the specific nature of the project or programme concerned; and

- e) ensure efficiency, coordination and consistency.
2. Cooperation shall ensure special treatment for LDC ACP countries and duly take into account the vulnerability of landlocked and island ACP countries. In addition, the specific needs of post-conflict countries shall also be addressed.

ARTICLE 57 Guidelines

1. Operations financed within the framework of this Agreement shall be implemented by the ACP States and the Community in close cooperation, the concept of equality between the partners being recognised.

2. The ACP States shall be responsible for:

- a) defining the objectives and priorities on which the indicative programmes are based;
- b) choosing projects and programmes;
- c) preparing and presenting the dossiers of projects and programmes;
- d) preparing, negotiating and concluding contracts;
- e) implementing and managing projects and programmes; and
- f) maintaining projects and programmes.

3. Without prejudice to the provisions above, eligible non State actors may also be responsible for proposing and implementing programmes and projects in areas concerning them.

4. The ACP States and the Community shall be jointly responsible for:

- a) establishing, within the joint institutions, the guidelines for development finance cooperation;

- b) adopting the indicative programmes;
- c) appraising projects and programmes;
- d) ensuring equality of conditions for participation in invitations to tender and contracts;
- e) monitoring and evaluating the effects and results of projects and programmes; and
- f) ensuring the proper, prompt and efficient execution of projects and programmes.

5. The Community shall be responsible for taking financing decisions on projects and programmes.

6. Unless otherwise provided for in this Agreement, all decisions requiring the approval of either Party shall be approved, or be deemed approved, within 60 days of notification by the other Party.

ARTICLE 58 Eligibility for financing

1. The following entities or bodies shall be eligible for financial support provided under the Agreement:

- a) ACP States;
- b) regional or inter-State bodies to which one or more ACP States belong, **including bodies with non-ACP State members**, which are authorised by those ACP States; and
- c) joint bodies set up by the ACP States and the Community to pursue certain specific objectives.

2. Subject to the agreement of the ACP State or ACP States concerned, the following shall also be eligible for financial support:

- a) national and/or regional public or semi-public agencies **and** departments of ACP States, **including Parliaments**, and, in

particular, their financial institutions and development banks;

- b) companies, firms and other private organisations and private operators of ACP States;

- c) enterprises of a Community Member State to enable them, in addition to their own contribution, to undertake productive projects in the territory of an ACP State;

- d) ACP or Community financial intermediaries providing, promoting and financing private investments in ACP States; and

- e) **local decentralised authorities from ACP States and the Community; and**

- f) **developing countries that are not part of the ACP Group where they participate in a joint initiative or regional organisation with ACP States.**

3. **Non-State actors from ACP States and the Community which have a local character shall be eligible for financial support provided under this Agreement, according to the modalities agreed in the national and regional indicative programmes.**

CHAPTER 2 SCOPE AND NATURE OF FINANCING

ARTICLE 59

Within the framework of the priorities established by the ACP State or States concerned at both national and regional levels, support may be given to projects, programmes and other forms of operations contributing to the objectives set out in this Agreement.

ARTICLE 60 Scope of Financing

The scope of financing may include, inter alia, depending on the needs and the

types of operation considered most appropriate, support to:

- a) measures which contribute to attenuate the debt burden and balance of payments problems of the ACP countries;
- b) macroeconomic and structural reforms and policies;
- c) mitigation of adverse effects of instability in export earnings;
- d) sectoral policies and reforms;
- e) institutional development and capacity building;
- f) technical cooperation programmes; and
- g) humanitarian and emergency assistance including assistance to refugees and displaced persons, short term rehabilitation measures and disaster preparedness.

ARTICLE 61

Nature of Financing

1. The nature of financing shall, inter alia, include:
 - a) projects and programmes;
 - b) credit lines, guarantee schemes and equity participation;
 - c) budgetary support, either directly, for the ACP States whose currencies are convertible and freely transferable, or indirectly, from counterparts funds generated by the various Community instruments;
 - d) the human and material resources necessary for effective administration and supervision of projects and programmes;
 - e) sectoral and general import support programmes which may take the form of:
 - i) sectoral import programmes through direct procurement including financ-

ing of inputs in the productive system and supplies to improve social services;

- ii) sectoral import programmes in the form of foreign exchange released in instalments for financing sectoral imports; and
 - iii) general import programmes in the form of foreign exchange released in instalments for financing general imports covering a wide range of products.
2. Direct budgetary assistance in support of macroeconomic or sectoral reforms shall be granted where:
 - a) public expenditure management is sufficiently transparent, accountable and effective;
 - b) well defined macroeconomic or sectoral policies established by the country itself and agreed to by its main donors are in place; and
 - c) public procurement is open and transparent.
 3. Similar direct budgetary assistance shall be granted gradually to sectoral policies in substitution for individual projects.
 4. The instruments of import programmes or budgetary support defined above can also be used to support eligible ACP States implementing reforms aimed at intra-regional economic liberalisation which generate net transitional costs.
 5. In the framework of the Agreement, the European Development Fund (hereinafter referred to as the Fund) including counterpart funds, unexpended balance from previous Funds, own resources of the European Investment Bank (hereinafter referred to as the Bank) and where appropriate resources drawn from the European Community's budget, shall be used to finance projects, programmes and other forms of operations contribut-

ing to the achievement of the objectives of this Agreement.

6. The funds provided under the Agreement may be used to cover the total costs of both the local and foreign expenditure of projects and programmes, including recurrent cost financing.

TITLE II FINANCIAL COOPERATION

CHAPTER 1 FINANCIAL RESOURCES

ARTICLE 62

Overall amount

1. For the purposes set out in this Agreement, the overall amount of the Community's financial assistance and the detailed terms and conditions of financing are provided for in the Annexes to this Agreement.
2. Should an ACP State fail to ratify this Agreement or denounce it, the Parties shall adjust the amounts of the resources provided for in the Financial Protocol set out in Annexe I. Adjustment of the financial resources shall also apply upon:
 - a) the accession to the Agreement of new ACP States which did not take part in its negotiation; and
 - b) the enlargement of the Community.

ARTICLE 63

Methods of financing

The methods of financing for each project or programme shall be determined jointly by the ACP State or States concerned and the Community by reference to:

- a) the level of development, the geographical situation and economic and financial circumstances of these States;
- b) the nature of the project or programme, its economic and financial return as well as its social and cultural impact; and
- c) in the case of loans, factors guaranteeing their servicing.

ARTICLE 64

On lending operations

1. Financial assistance may be made available to or through the ACP States concerned or, subject to the provisions of this Agreement through eligible financial institutions or directly to any other eligible beneficiary. Where financial assistance is granted to the final recipient through an intermediary or directly to the final beneficiary in the private sector:
 - a) the terms and conditions on which the assistance may be made available by the intermediary to the final recipient or directly to the final beneficiary in the private sector shall be laid down in the financing agreement or loan contract; and
 - b) any financial benefit accruing to the intermediary from the on lending transaction or resulting from direct lending operations to the final beneficiary in the private sector, shall be used for development purposes on the conditions laid down in the financing agreement or the loan contract, after taking into account administrative costs, exchange and financial risks and the cost of technical assistance given to the final recipient.
2. Where the financing is undertaken through an on-lending body based and/or operating in the ACP States, it shall be the responsibility of that body to select and appraise individual projects

and to administer the funds placed at its disposal under the conditions provided for in this Agreement and by mutual agreement between the Parties.

ARTICLE 65 Co-financing

1. The financial resources provided for in this Agreement may be applied, at the request of the ACP States, to co-financing undertaken in particular with development agencies and institutions, Community Member States, ACP States, third countries or international or private financial institutions, firms or export credit agencies.
2. Special consideration shall be given to the possibility of co-financing in cases where Community participation will encourage the participation of other sources of finance and where such financing may lead to an advantageous financial package for the ACP State concerned.
3. Co-financing may be in the form of joint or parallel financing. Preference shall be given in each case to the solution, which is more suitable from the point of view of cost effectiveness. In addition, measures shall be taken to coordinate and harmonise operations of the Community and those of other co-financing bodies in order to minimise the number of procedures to be undertaken by the ACP States and to render those procedures more flexible.
4. The process of consultation and coordination with other donors and co-financiers should be strengthened and developed, where possible, through the establishment of co-financing framework agreements and co-financing policies and procedures should be reviewed to ensure effectiveness and the best terms and conditions possible.

CHAPTER 2 DEBT AND STRUCTURAL ADJUSTMENT SUPPORT

ARTICLE 66 Support for debt relief

1. In order to attenuate the debt burden of the ACP States and their balance-of-payment problems, the Parties agree to use the resources provided for in this Agreement to contribute to debt relief initiatives approved at international level for the benefit of ACP countries. In addition, on a case by case basis, the use of resources which have not been committed in the framework of past indicative programmes shall be accelerated through the quick disbursing instruments provided for in this Agreement. The Community furthermore commits itself to examine how in the longer term other resources than the EDF can be mobilised in support of internationally agreed debt relief initiatives.
2. At the request of an ACP State, the Community may grant:
 - a) assistance in studying and finding practical solutions to indebtedness including domestic debt, debt-servicing difficulties and balance of payments problems;
 - b) training in debt management and international financial negotiations as well as support for training workshops, courses and seminars in these fields; and
 - c) assistance to develop flexible techniques and instruments of debt management.
3. In order to contribute to the servicing of the debt resulting from loans from the Bank's own resources, special loans and risk capital, the ACP States may, in accordance with arrangements to be made on a case by case basis with the Commission, use the available foreign currency referred to in this Agreement for such servicing, as and when debt repayment falls due and up to the

amount required for payments in national currency.

4. Given the seriousness of the international debt problem and its impact on economic growth, the Parties declare their readiness to continue to exchange views, within the context of international discussions, on the general problem of debt, and without prejudice to specific discussions taking place in the relevant fora.

ARTICLE 67 Structural adjustment support

1. The Agreement shall provide support for macroeconomic and sectoral reforms implemented by the ACP States. In this framework, the Parties shall ensure that adjustment is economically viable and socially and politically bearable. Support shall be given in the context of a joint assessment between the Community and the ACP State concerned on the reform measures being undertaken or contemplated either at macroeconomic or sectoral level, and permit an overall evaluation of the reform efforts. Quick disbursement shall be an important feature of support programmes.
2. The ACP States and the Community recognise the necessity to encourage reform programmes at regional level ensuring that, in the preparation and execution of national programmes, due consideration is given to regional activities which have an influence on national development. To this end, support for structural adjustment shall also seek to:
 - a) incorporate, from the beginning of the diagnosis, measures to encourage regional integration and take account of the consequences of trans border adjustment;
 - b) support the harmonisation and coordination of macroeconomic and sectoral policies, including fiscal and customs areas, so as to fulfil the dual aim of regional integration and of structural reform at national level; and

c) take account of the effects of net transitional costs of regional integration on budget revenue and balance of payments, either through general import programmes or budgetary support.

3. ACP States undertaking or contemplating reform at the macroeconomic or sectoral level shall be eligible for structural adjustment assistance, giving consideration to the regional context, their effectiveness and the likely impact on the economic, social and political dimension of development and on economic and social hardships being experienced.

4. The ACP States undertaking reform programmes that are acknowledged and supported at least by the principal multilateral donors, or that are agreed with such donors but not necessarily financially supported by them, shall be treated as having automatically satisfied the requirements for adjustment assistance.

5. Structural adjustment support shall be mobilised in a flexible manner and in the form of sectoral and general import programmes or budgetary support.

6. The preparation, appraisal and financing decision for structural adjustment programmes shall be carried out according to the provisions on implementation procedures of this Agreement with due regard to the quick disbursing feature of structural adjustment programmes. On a case-by-case basis, retroactive financing of a limited part of imports of ACP-EC origin may be permissible.

7. The implementation of each support programme shall ensure that the eligibility of ACP economic operators for access to the resources of the programme is as wide and transparent as possible and that the procurement procedures accord with the administrative and commercial practices in the State concerned, while ensuring the best possible price/quality ratio on imported goods and the necessary consistency

with the progress achieved internationally for harmonising the procedures for supporting structural adjustment.

CHAPTER 3 SUPPORT IN CASES OF SHORT TERM FLUCTUATIONS IN EXPORT EARNINGS

ARTICLE 68

1. The Parties recognise that instability of export earnings, particularly in the agricultural and mining sectors, may adversely affect the development of the ACP States and jeopardise the attainment of their development requirements. A system of additional support in order to mitigate the adverse effects of any instability in export earnings, including in the agricultural and mining sectors, is therefore set up within the financial envelope for support to long-term development.
2. The purpose of support in cases of short-term fluctuations in export earnings is to safeguard **socio-economic reforms and policies that could be affected negatively** as a result of a drop in revenue and **to** remedy the adverse effects of instability of export earnings, in particular from agricultural and mining products.
3. The extreme dependence of the ACP States' economies on exports, in particular from the agricultural and mining sectors, shall be taken into account in the allocation of resources in the year of application. In this context, the least developed, landlocked and island, **post conflict and post natural disaster** ACP States shall receive more favourable treatment.
4. The additional resources shall be provided in accordance with the specific

modalities of the support mechanism as set out in Annexe II on Terms and Conditions of Financing.

5. The Community shall also provide support for market based insurance schemes designed for ACP States seeking to protect themselves against the risk of fluctuations in export earnings.

CHAPTER 4 SUPPORT FOR SECTORAL POLICIES

ARTICLE 69

1. Cooperation shall support, through the various instruments and modalities provided for in the Agreement:
 - a) social and economic sectoral policies and reforms;
 - b) measures to enhance productive sector activity and export competitiveness;
 - c) measures to expand social sector services; and
 - d) thematic and cross cutting issues.
2. This support shall be provided as appropriate through:
 - a) sectoral programmes;
 - b) budgetary support;
 - c) investments;
 - d) rehabilitation;
 - e) training;
 - f) technical assistance; and
 - g) institutional support.

CHAPTER 5 MICROPROJECTS AND DECENTRALISED COOPERATION

ARTICLE 70

In order to respond to the needs of local communities with regard to development, and to encourage all agents of decentralised cooperation which are in a position to contribute to the autonomous development of the ACP States to put forward and implement initiatives, cooperation shall support, within the framework laid down in the rules and national legislation of the ACP States concerned and the provisions of the indicative programme, such development operations. In this context, cooperation shall support:

- a) micro projects at local level which have an economic and social impact on the life of the people, meet a demonstrated and observed priority need, and shall be undertaken at the initiative and with the active participation of the local community which shall benefit therefrom; and
- b) decentralised cooperation, in particular where such operations combine efforts and resources of decentralised agents from the ACP States and their counterparts from the Community. This form of cooperation shall enable the mobilisation of capabilities, innovative operating methods and resources of decentralised agents for the development of the ACP State.

ARTICLE 71

1. Microprojects and decentralised cooperation operations may be supported from the financial resources of the Agreement. Projects or programmes under this form of cooperation may or may not be linked to programmes in the

sectors of concentration of the indicative programmes, but may be a way of achieving the specific objectives of the indicative programme or the results of initiatives by local communities or decentralised agents.

2. Contributions for the financing of micro-projects and decentralised cooperation shall be made by the Fund, in which case the contribution shall not normally exceed three quarters of the total cost of each project and may not exceed the limit set in the indicative programme. The remaining balance shall be provided:
 - a) by the local community concerned in case of micro-projects (either in kind or in the form of services or cash and adapted to its capacity to contribute);
 - b) by the agents of decentralised cooperation, provided that the financial, technical, material and other resources brought in by such agents shall not normally be less than 25% of the estimated cost of the project/programme; and
 - c) exceptionally by the ACP State concerned, either in the form of a financial contribution or through the use of public equipment or the supply of services.
3. The procedures applicable to projects and programmes financed within the framework of microprojects or decentralised cooperation shall be those laid down in the Agreement, in particular those referred to in multi-annual programmes.

CHAPTER 6 HUMANITARIAN AND EMERGENCY ASSISTANCE

ARTICLE 72

1. Humanitarian and emergency assistance shall be accorded to the population in ACP States faced with serious economic and social difficulties of an exceptional

nature resulting from natural disasters, man made crises such as wars and other conflicts or extraordinary circumstances having comparable effects. The humanitarian and emergency assistance shall be maintained for as long as necessary to deal with the emergency needs resulting from these situations.

2. Humanitarian and emergency assistance shall be granted exclusively according to the needs and interests of victims of disasters and in line with the principles of international humanitarian law. In particular, there shall be no discrimination between victims on grounds of race, ethnic origin, religion, gender, age, nationality or political affiliation and free access to and protection of victims shall be guaranteed as well as the security of humanitarian personnel and equipment.

3. Humanitarian and emergency assistance shall aim to:

- a) safeguard human lives in crises and immediate post crisis situations brought about by natural disasters, conflict or war;
- b) contribute to the financing and delivery of humanitarian aid and to the direct access to it of its intended beneficiaries by all logistical means available;
- c) carry out short term rehabilitation and reconstruction to enable the parts of the population affected to benefit once more from a minimum of socio-economic integration and, as soon as possible, create the conditions for a resumption of development on the basis of long term objectives set by the ACP country concerned;
- d) address the needs arising from the displacement of people (refugees, displaced persons and returnees) following natural or man-made disasters so as to meet, for as long as necessary, all the needs of refugees and displaced persons (wherever they may be) and

facilitate action for their voluntary repatriation and re-integration in their country of origin; and

- e) assist the ACP State in setting up disaster prevention and preparedness mechanisms, including prediction and early-warning systems, with a view to reducing the consequences of disasters.
4. Similar assistance, as set out above, may be granted to ACP States taking in refugees or returnees to meet acute needs not covered by emergency assistance.
5. Underlining the developmental nature of the assistance granted in accordance with this Article, assistance may be used exceptionally together with the indicative programme at the request of the State concerned.
6. Humanitarian and emergency assistance operations shall be undertaken either at the request of the ACP country affected by the crisis situation, the Commission, international organisations or local or international non State organisations. Such assistance shall be administered and implemented under procedures permitting operations that are rapid, flexible and effective. The Community shall take adequate steps to facilitate speedy action, which is required to meet the immediate needs for which emergency assistance is needed.

ARTICLE 73

1. Post emergency action, aimed at physical and social rehabilitation consequent on the results of natural disasters or extraordinary circumstances having comparable effects, may be undertaken with Community assistance under this Agreement. Such action, using effective and flexible mechanisms, must ease the transition from the emergency phase to the development phase, promote the socio-economic reintegration of the parts of the population affected,

remove as far as possible the causes of the crisis and strengthen institutions and the ownership by local and national actors of their role in formulating a sustainable development policy for the ACP country concerned.

2. Short term emergency action shall only in exceptional circumstances be financed under the Fund where such assistance cannot be financed from the Community's budget.

CHAPTER 7 INVESTMENT AND PRIVATE SECTOR DEVELOPMENT SUPPORT

ARTICLE 74

Cooperation shall, through financial and technical assistance, support the policies and strategies for investment and private sector development as set out in this Agreement.

ARTICLE 75 Investment promotion

The ACP States, the Community and its Member States, within the scope of their respective competencies, recognising the importance of private investment in the promotion of their development cooperation and acknowledging the need to take steps to promote such investment, shall:

- a) implement measures to encourage participation in their development efforts by private investors who comply with the objectives and priorities of ACP-EC development cooperation and with the appropriate laws and regulations of their respective States;
- b) take measures and actions which help to create and maintain a predictable and secure investment climate as well as enter into negotiations on agreements which will improve such climate;

c) encourage the EU private sector to invest and to provide specific assistance to its counterparts in the ACP countries under mutual business cooperation and partnerships;

d) facilitate partnerships and joint ventures by encouraging co financing;

e) sponsor sectoral investment fora to promote partnerships and external investment;

f) support efforts of the ACP States to attract financing, with particular emphasis on private financing, for infrastructure investments and revenue generating infrastructure critical for the private sector;

g) support capacity building for domestic investment promotion agencies and institutions involved in promoting and facilitating foreign investment;

h) disseminate information on investment opportunities and business operating conditions in the ACP States; and

i) promote national, regional and ACP-EU private sector business dialogue, cooperation and partnerships, in particular through an ACP-EU private sector business forum. Support for operations of an ACP-EU private sector business forum shall be provided in pursuit of the following objectives:

- i) to facilitate dialogue within the ACP/EU private sector and between the ACP/EU private sector and the bodies established under the Agreement;
- ii) to analyse and periodically provide the relevant bodies with information on the whole range of issues concerning relations between the ACP and EU private sectors in the context of the Agreement or, more generally, of economic relations between the Community and the ACP countries; and
- iii) to analyse and provide the relevant bodies with information on specific problems of a sectoral nature relating

to, inter alia, branches of production or types of products at regional or sub-regional level.

ARTICLE 76 Investment finance and support

1. Cooperation shall provide long-term financial resources, including risk capital, to assist in promoting growth in the private sector and help to mobilise domestic and foreign capital for this purpose. To this end, cooperation shall provide, in particular:
 - a) grants for financial and technical assistance to support policy reforms, human resource development, institutional capacity-building or other forms of institutional support related to a specific investment, measures to increase the competitiveness of enterprises and to strengthen the capacities of the private financial and non-financial intermediaries, investment facilitation and promotion and competitiveness enhancement activities;
 - b) advisory and consultative services to assist in creating a responsive investment climate and information base to guide and encourage the flow of capital;
 - c) risk capital for equity or quasi-equity investments, guarantees in support of domestic and foreign private investment and loans or lines of credit on the conditions laid down in Annexe II "Terms and Conditions of Financing" to this Agreement; and
 - d) loans from the Bank's own resources.
2. Loans from the Bank's own resources shall be granted in accordance with its statute and with the terms and conditions laid down in Annexe II to this Agreement.

ARTICLE 77 Investment guarantees

1. Investment guarantees are an increasingly important tool for development finance as they contribute to reducing project risks and inducing private capital flows. Cooperation shall therefore ensure the increasing availability and use of risk insurance as a risk mitigating mechanism in order to boost investor confidence in the ACP States.
2. Cooperation shall offer guarantees and assist with guarantee funds covering risks for qualified investment. Specifically, cooperation shall provide support to:
 - a) reinsurance schemes to cover foreign direct investment by eligible investors; against legal uncertainties and the major risks of expropriation, currency transfer restriction, war and civil disturbance, and breach of contract. Investors may insure projects for any combination of the four types of coverage;
 - b) guarantee programmes to cover risk in the form of partial guarantees for debt financing. Both partial risk and partial credit guarantee shall be available; and
 - c) national and regional guarantee funds, involving, in particular, domestic financial institutions or investors for encouraging the development of the financial sector.
3. Cooperation shall also provide support to capacity-building, institutional support and participation in the core funding of national and/or regional initiatives to reduce the commercial risks for investors (inter alia guarantee funds, regulatory bodies, arbitration mechanisms and judiciary systems to enhance the protection of investments improving the export credit systems).

4. Cooperation shall provide such support on the basis of complementary and added value with respect to private and/or public initiatives and, whenever feasible, in partnership with private and other public organisations. The ACP and the EC will within the framework of the ACP-EC Development Finance Cooperation Committee undertake a joint study on the proposal to set up an ACP-EC Guarantee Agency to provide and manage investment guarantee programmes.

ARTICLE 78 Investment protection

1. The ACP States and the Community and its Member States, within the scope of their respective competencies, affirm the need to promote and protect either Party's investments on their respective territories, and in this context affirm the importance of concluding, in their mutual interest, investment promotion and protection agreements which could also provide the basis for insurance and guarantee schemes.
2. In order to encourage European investment in development projects of special importance to, and promoted by the ACP States, the Community and the Member States, on the one hand and the ACP States on the other, may also conclude agreements relating to specific projects of mutual interest where the Community and European enterprises contribute towards their financing.
3. The Parties also agree to introduce, within the economic partnership agreements, and while respecting the respective competencies of the Community and its Member States, general principles on protection and promotion of investments, which will endorse the best results agreed in the competent international fora or bilaterally.

TITLE III TECHNICAL COOPERATION

ARTICLE 79

1. Technical cooperation shall assist the ACP States in the development of national and regional manpower resources, the sustained development of the institutions critical for development success, including inter alia strengthening ACP consulting firms and organisations, as well as exchange arrangements involving consultants from both ACP and EU firms.
2. Furthermore, technical cooperation, shall be cost-effective and relevant to the need for which it is intended, and shall also favour the transfer of know-how and increase national and regional capabilities. Technical cooperation shall contribute to the achievement of project and programme goals, including efforts to strengthen management capacity of the National and Regional Authorising Officers. Technical assistance shall:
 - a) be demand driven and thus made available only at the request of the ACP State or States concerned, and adapted to recipient needs;
 - b) complement and support ACP efforts to identify their own requirements;
 - c) be monitored and followed up to guarantee effectiveness;
 - d) encourage the participation of ACP experts, consultancy firms and educational and research institutions in contracts financed from the Fund and identify ways of employing qualified national and regional personnel on Fund projects;
 - e) encourage the secondment of ACP national cadres as consultants to an institution in their own country, or a

neighbouring country, or to a regional organisation;

f) aim at developing knowledge of national and regional manpower constraints and potential and establish a register of ACP experts, consultants and consultancy firms suitable for employment on projects and programmes financed from the Fund;

g) support intra ACP technical assistance in order to promote the exchange between the ACP States of technical assistance, management and professional expertise;

h) develop action programmes for long term institution building and staff development as an integral part of project and programme planning, account being taken of the necessary financial requirements;

i) support arrangements to enhance the capacity of the ACP States to build up their own expertise; and

j) give special attention to the development of the ACP States' capacities in project planning, implementation and evaluation, as well budget management.

3. Technical assistance may be provided in all areas of cooperation and within the limits of the mandate of this Agreement. The activities covered would be diverse in scope and nature, and would be tailored to meet the needs of the ACP States.

4. Technical cooperation may be either of a specific or a general nature. The ACP-EC Development Finance Cooperation Committee shall establish the guidelines for the implementation of technical cooperation.

ARTICLE 80

With a view to reversing the brain drain from the ACP States, the Community shall assist ACP States which so request to facilitate the return of qualified ACP nationals resident in developed countries through appropriate re-installation incentives.

TITLE IV PROCEDURES AND MANAGEMENT SYSTEMS

ARTICLE 81 Procedures

Management procedures shall be transparent, easy to apply and shall enable the decentralisation of tasks and responsibilities to the field. The implementation of ACP-EU development cooperation shall be open to non-State actors in areas that concern them. The detailed procedural provisions for programming, preparation, implementation and the management of financial and technical cooperation are laid down in Annexe IV on Implementation and Management Procedures. The Council of Ministers may review, revise and amend these provisions on the basis of a recommendation from the ACP-EC Development Finance Cooperation Committee.

ARTICLE 82 Executing agents

For the implementation of financial and technical cooperation under this Agreement, executing agents are designated. Detailed provisions for the responsibilities of the executing agents are laid down in Annexe IV on Implementation and Management Procedures.

ARTICLE 83 ACP-EC Development Finance Cooperation Committee

1. The Council of Ministers shall at least once a year examine whether the objectives of development finance cooperation are being attained and shall examine the general and specific problems resulting from the implementation of that cooperation. To this end, an ACP-EC Development Finance Cooperation Committee, hereinafter referred to as "the ACP-EC Committee", shall be set up within the Council of Ministers.

2. The ACP-EC Committee shall, inter alia:

a) ensure the overall achievement of the objectives and principles of development finance cooperation and establish general guidelines for their effective and timely implementation;

b) examine the problems arising from the implementation of development cooperation activities and propose appropriate measures;

c) review the annexes to the Agreement to ensure their continued relevance and recommend any appropriate amendments to the Council of Ministers for approval; and

d) examine the operations deployed within the framework of the Agreement to attain the objectives of promoting private sector development and investment and the operations of the Investment Facility.

3. The ACP-EC Committee, which shall meet every quarter, shall be composed, on a basis of parity, of representatives of the ACP States and of the Community, or their authorised representatives. It shall meet at ministerial level whenever one of the parties so requests and at least once a year.

4. The Council of Ministers shall lay down the ACP-EC Committee's rules of procedure, in particular the conditions for

representation and the number of members of the Committee, the detailed arrangements for their deliberations and the conditions for holding the chair.

5. The ACP-EC Committee may convene meetings of experts to study the cause of any difficulties and bottlenecks, which may impede the efficient implementation of development cooperation. These experts shall make recommendations to the Committee on possible ways of removing such difficulties and bottlenecks.

PART 5

**GENERAL PROVISIONS FOR THE LEAST
DEVELOPED, LANDLOCKED AND
ISLAND ACP STATES (LDLICS)**

CHAPTER 1 GENERAL PROVISIONS

ARTICLE 84

1. To enable LDLICs to take full advantage of the opportunities offered by the Agreement so as to step up their respective rates of development, co-operation shall ensure special treatment for the least developed ACP countries and take due account of the vulnerability of landlocked and island ACP countries. It shall also take into consideration the needs of countries in post conflict situations.
2. Independently of the specific measures and provisions for the least-developed, landlocked and island countries in the different chapters of the Agreement, special attention shall be paid in respect of these groups as well as countries in post-conflict situations to:
 - a) the strengthening of regional cooperation;
 - b) transport and communications' infrastructure;
 - c) the efficient exploitation of marine resources and the marketing of products so produced and, in the case of landlocked countries, inland fisheries;
 - d) structural adjustment where account shall be taken of the level of development of these countries and equally, at the implementation stage, of the social dimension of adjustment; and
 - e) the implementation of food strategies and integrated development programmes.

CHAPTER 2 LEAST DEVELOPED ACP STATES

ARTICLE 85

1. The least developed ACP States shall be accorded a special treatment in order to enable them to overcome the serious economic and social difficulties hindering their development so as to step up their respective rates of development.
2. The list of least-developed countries is given in Annexe VI. It may be amended by a decision of the Council of Ministers where:
 - a) a third State in a comparable situation accedes to this Agreement; and
 - b) the economic situation of an ACP State changes considerably and durably to the extent that it needs to be included in the least developed category or its inclusion in that category is no longer justified.

ARTICLE 86

The provisions adopted in respect of the least-developed ACP States are contained in the following Articles: 2, 29, 32, 35, 37, 56, 68, 84, 85.

CHAPTER 3 LANDLOCKED ACP STATES

ARTICLE 87

1. Specific provisions and measures shall be established to support landlocked ACP States in their efforts to overcome the geographical difficulties and other obstacles hampering their development so as to enable them to step up their respective rates of development.
2. The list of landlocked ACP States is given in Annexe VI. It may be amended by decision of the Council of Ministers when a third State in a comparable situation accedes to the Agreement.

ARTICLE 88

The provisions adopted in respect of the landlocked ACP States are contained in the following Articles: 2, 32, 35, 56, 68, 84, 87.

CHAPTER 4 ISLAND ACP STATES

ARTICLE 89

1. Specific actions shall be pursued to support island ACP States in their efforts to halt and reverse their increasing vulnerability caused by new and severe economic, social and ecological challenges. These actions shall seek to advance the implementation of the small island developing States' priorities for sustainable development, while promoting a harmonised approach to their economic growth and human development.
2. The list of island ACP States is given in Annexe VI. It may be amended by decision of the Council of Ministers when a third State in a comparable situation accedes to the Agreement.

ARTICLE 90

The provisions adopted in respect of the island ACP States are contained in the following Articles: 2, 32, 35, 56, 68, 84, 89.

PART 6
FINAL PROVISIONS

ARTICLE 91

Conflict between this Agreement and other treaties

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

ARTICLE 92

Scope of territorial application

Subject to the special provisions regarding the relations between the ACP States and the French overseas departments provided for therein, this Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territories of the ACP States.

ARTICLE 93

Ratification and entry into force

1. This Agreement shall be ratified or approved by the signatory Parties in accordance with their respective constitutional rules and procedures.
2. The instruments of ratification or approval of this Agreement shall be deposited in the case of the ACP States, with the General Secretariat of the Council of the European Union and in the case of the Community and the Member States, with the General Secretariat of the ACP States. The Secretariats shall promptly notify the signatory States and the Community.
3. This Agreement shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification of the Member States and of at least two thirds of the ACP States, and of the instrument of approval of this Agreement by the Community.

4. An ACP signatory State that has not completed the procedures set out in paragraphs 1 and 2 by the date on which this Agreement enters into force as provided for in paragraph 3 may do so only within the 12 months following that date, without prejudice to the provisions of paragraph 6.

For such States this Agreement shall become applicable on the first day of the second month following the completion of these procedures. These States shall recognise the validity of any measure taken to implement the Agreement after the date of its entry into force.

5. The rules of procedure of the joint institutions set up under this Agreement shall lay down the conditions under which the representatives of signatory States referred to in paragraph 4 may attend those institutions as observers.
6. The Council of Ministers may decide to accord special support to ACP States party to previous ACP-EC Conventions which, in the absence of normally established government institutions, have not been able to sign or ratify this Agreement. This support may concern institution building and economic and social development activities, taking particular account of the needs of the most vulnerable sections of the population. In this context, such countries will be able to draw on the funds provided for in Part 4 of this Agreement for financial and technical cooperation.

By way of derogation from paragraph 4, the countries concerned which are signatories to the Agreement may complete the ratification procedures within twelve months of the restoration of government institutions.

The countries concerned which have neither signed nor ratified the Agreement may accede to it by means of the accession procedure provided for in Article 94.

ARTICLE 94

Accession

1. Any request for accession to this Agreement made by an independent State whose structural characteristics and economic and social situation are comparable to those of the ACP States shall be presented to the Council of Ministers.

If the request is approved by the Council of Ministers, the State concerned shall accede to this Agreement by depositing an act of accession with the General Secretariat of the Council of the European Union, which shall send a certified copy to the ACP Secretariat and notify the Member States. The Council of Ministers may lay down any amending measures that might be necessary.

The State concerned shall enjoy the same rights and be subject to the same obligations as the ACP States. Its accession may not infringe on the benefits enjoyed by the ACP States signatory to this Agreement under the provisions on development cooperation financing. The Council of Ministers may lay down the conditions and specific arrangements for the accession of an individual State in a special protocol that shall form an integral part of the Agreement.

2. The Council of Ministers shall be advised of any request made by a third State to become a member of an economic grouping of ACP States.
3. The Council of Ministers shall be advised of any request made by a third State to become a member of the European Union. During the negotiations between the Union and the applicant State, the Community shall provide the ACP States with any relevant information and they in turn shall convey their concerns to the Community so that it can take them fully into account. The ACP Secretariat shall be notified by the Community of any accession to the European Union.

Any new Member State of the European Union shall become a Party to this Agreement from the date of its accession by means of a clause to that effect in the act of accession. If the act of accession to the Union does not provide for such automatic accession of the Member State to this Agreement, the Member State concerned shall accede by depositing an act of accession with the General Secretariat of the Council of the European Union, which shall send a certified copy to the ACP Secretariat and notify the Member States.

The Parties shall review the effects of the accession of new Member States on this Agreement. The Council of Ministers may decide on any transitional or amending measures that might be necessary.

ARTICLE 95

Duration of the agreement and revision clause

1. This Agreement is hereby concluded for a period of twenty years, commencing on 1 March 2000.
2. Financial protocols are defined for each five-year period.
3. The Community and the Member States, on the one hand, and the ACP States, on the other, shall notify the other Party not later than 12 months before the expiry of each five-year period of any review of the provisions they desire to make with a view to a possible amendment of the Agreement. This shall not apply, however, to the provisions on economic and trade cooperation, for which a special review procedure is provided for. Notwithstanding this time limit, if one Party requests the review of any provisions of the Agreement, the other Party shall have a period of two months in which to request the extension of the review to other provisions related to those which were the subject of the initial request.

Ten months before the expiry of this five year period, the Parties shall enter into negotiations with a view to examining any possible amendments to the provisions that were the subject of the notification.

Article 93 shall also apply to the amendments made.

The Council of Ministers shall adopt any transitional measures that may be required in respect of the amended provisions until they come into force.

4. Eighteen months before the end of the total period of the Agreement, the Parties shall enter into negotiations in order to examine what provisions shall subsequently govern their relations.

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

ARTICLE 96

Essential elements: consultation procedure and appropriate measures as regards human rights, democratic principles and the rule of law

1. Within the meaning of this Article, the term "Party" refers to the Community and the Member States of the European Union, of the one part, and each ACP State, of the other part.
 - 1a. Both Parties agree to exhaust all possible options for dialogue under Article 8, except in cases of special urgency, prior to commencement of the consultations referred to in paragraph 2(a) of this Article.
2.
 - a) If, despite the political dialogue on the essential elements as provided for under Article 8 and paragraph 1a of this Article, a Party considers that the other Party fails to fulfil an obligation stemming from respect for human rights,

democratic principles and the rule of law referred to in Article 9(2), it shall, except in cases of special urgency, supply the other Party and the Council of Ministers with the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. To this end, it shall invite the other Party to hold consultations that focus on the measures taken or to be taken by the Party concerned to remedy the situation in accordance with Annex VII.

The consultations shall be conducted at the level and in the form considered most appropriate for finding a solution.

The consultations shall begin no later than 30 days after the invitation and shall continue for a period established by mutual agreement, depending on the nature and gravity of the violation. In no case shall the dialogue under the consultations procedure last longer than 120 days.

If the consultations do not lead to a solution acceptable to both Parties, if consultation is refused or in cases of special urgency, appropriate measures may be taken. These measures shall be revoked as soon as the reasons for taking them no longer prevail.

- b) The term "cases of special urgency" shall refer to exceptional cases of particularly serious and flagrant violation of one of the essential elements referred to in paragraph 2 of Article 9, that require an immediate reaction.

The Party resorting to the special urgency procedure shall inform the other Party and the Council of Ministers separately of the fact unless it does not have time to do so.

- c) The "appropriate measures" referred to in this Article are measures taken in accordance with international law, and proportional to the violation. In the selection of these measures, priority must be given to those which least disrupt the application of this agreement.

It is understood that suspension would be a measure of last resort.

If measures are taken in cases of special urgency, they shall be immediately notified to the other Party and the Council of Ministers. At the request of the Party concerned, consultations may then be called in order to examine the situation thoroughly and, if possible, find solutions. These consultations shall be conducted according to the arrangements set out in the second and third subparagraphs of paragraph (a).

ARTICLE 97

Consultation procedure and appropriate measures as regards corruption

1. The Parties consider that when the Community is a significant partner in terms of financial support to economic and sectoral policies and programmes, serious cases of corruption should give rise to consultations between the Parties.
2. In such cases either Party may invite the other to enter into consultations. Such consultations shall begin no later than 30 days after the invitation and dialogue under the consultation procedure shall last no longer than 120 days.
3. If the consultations do not lead to a solution acceptable to both Parties or if consultation is refused, the Parties shall take the appropriate measures. In all cases, it is above all incumbent on the Party where the serious cases of corruption have occurred to take the measures necessary to remedy the situation immediately. The measures taken by either Party must be proportional to the seriousness of the situation. In the selection of these measures, priority must be given to those which least disrupt the application of this agreement. It is understood that suspension would be a measure of last resort.

4. Within the meaning of this Article, the term "Party" refers to the Community and the Member States of the European Union, of the one part, and each ACP State, of the other part.

ARTICLE 98

Dispute settlement

1. Any dispute arising from the interpretation or application of this Agreement between one or more Member States or the Community, on the one hand, and one or more ACP States on the other, shall be submitted to the Council of Ministers.

Between meetings of the Council of Ministers, such disputes shall be submitted to the Committee of Ambassadors.

2.
 - a) If the Council of Ministers does not succeed in settling the dispute, either Party may request settlement of the dispute by arbitration. To this end, each Party shall appoint an arbitrator within thirty days of the request for arbitration. In the event of failure to do so, either Party may ask the Secretary General of the Permanent Court of Arbitration to appoint the second arbitrator.
 - b) The two arbitrators shall in turn appoint a third arbitrator within thirty days. In the event of failure to do so, either Party may ask the Secretary General of the Permanent Court of Arbitration to appoint the third arbitrator.
 - c) Unless the arbitrators decide otherwise, the procedure applied shall be that laid down in the optional arbitration regulation of the Permanent Court of Arbitration for International Organisations and States. The arbitrators' decisions shall be taken by majority vote within three months.
 - d) Each Party to the dispute shall be bound to take the measures necessary to carry out the decision of the arbitrators.

- e) For the application of this procedure, the Community and the Member States shall be deemed to be one Party to the dispute.

ARTICLE 99

Denunciation clause

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

ARTICLE 100

Status of the texts

The Protocols and Annexes attached to this Agreement shall form an integral part thereof. Annexes **la**, **lb**, **II**, **III**, **IV** and **VI** may be revised, reviewed and/or amended by the Council of Ministers on the basis of a recommendation from the ACP-EC Development Finance Cooperation Committee.

This Agreement, drawn up in two copies in the **Czech**, Danish, Dutch, English, **Estonian**, Finnish, French, German, Greek, **Hungarian**, Italian, **Latvian**, **Lithuanian**, **Maltese**, **Polish**, Portuguese, **Slovak**, **Slovenian**, Spanish and Swedish languages, all texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union and the Secretariat of the ACP States, which shall both transmit a certified copy to the government of each of the Signatory States.

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ANNEXE I FINANCIAL PROTOCOL

1. For the purposes set out in this Agreement and for a period of five years commencing 1 March 2000, the overall amount of the Community's financial assistance to the ACP States shall be EUR 15 200 million.
2. The Community's financial assistance shall comprise an amount up to EUR 13 500 million from the 9th European Development Fund (EDF).
3. The 9th EDF shall be allocated between the instruments of cooperation as follows:
 - a) EUR 10 000 million in the form of grants shall be reserved for an envelope for support for long-term development. This envelope shall be used to finance national indicative programmes in accordance with Articles 1 to 5 of Annexe IV "Implementation and management procedures" to this Agreement. From the envelope for support for long term development:
 - i) EUR 90 million shall be reserved for the financing of the budget of the Centre for the Development of Enterprise (CDE);
 - ii) EUR 70 million shall be reserved for the financing of the budget of the Centre for the Development of Agriculture (CTA); and
 - iii) an amount not exceeding EUR 4 million shall be reserved for the purposes referred to in Article 17 of this Agreement (Joint Parliamentary Assembly).
 - b) EUR 1 300 million in the form of grants shall be reserved for the financing of support for regional cooperation and integration of the ACP States in accordance with Articles 6 to 14 of Annexe IV "Implementation and management procedures" to this Agreement.
 - c) EUR 2 200 million shall be allocated to finance the Investment Facility according to the terms and conditions set out in Annexe II "Terms and conditions of financing" to this Agreement without prejudice to the financing of the interest rate subsidies provided for in Articles 2 and 4 of Annexe II to this Agreement funded from the resources mentioned in paragraph 3(a) of this Annexe.
 4. An amount of up to EUR 1 700 million shall be provided from the European Investment Bank in the form of loans made from its own resources. These resources shall be granted for the purposes set out in Annexe II "Terms and conditions of financing" to this Agreement in accordance with the conditions provided for by its statutes and the relevant provisions of the terms and conditions for investment financing as laid down in the aforementioned Annexe. The Bank may, from the resources it manages, contribute to the financing of regional projects and programmes.
 5. Any balances remaining from previous EDFs on the date of entry into force of this Financial Protocol, as well as any amounts that shall be decommitted at a later date from ongoing projects under these Funds, shall be transferred to the 9th EDF and shall be used in accordance with the conditions laid down in this Agreement. Any resources thus transferred to the 9th EDF that previously had been allocated to the indicative programme of an ACP State or region shall remain allocated to that State or region. The overall amount of this Financial Protocol, supplemented by the transferred balances from previous EDFs, will cover the period of 2000-2007.
 6. The Bank shall administer the loans made from its own resources, as well as the operations financed under the Investment Facility. All other financial resources of this Agreement shall be administered by the Commission.
 7. Before the expiry of this Financial Protocol, the Parties shall assess the degree of realisation of commitments and disbursements. This assessment shall constitute the basis for re-evaluating the overall amount of resources as well for evaluating the need for new resources to support financial cooperation under this Agreement.
 8. In the event of the funds provided for in any of the instruments of the Agreement being exhausted before the expiry of this Financial Protocol, the joint ACP-EC Council of Ministers shall take the appropriate measures.
 9. By derogation from Article 58 of this Agreement, an amount of EUR 90 million shall be transferred to the intra ACP envelope under the 9th EDF. This amount may be allocated to finance devolution for the period 2006-2007, and shall be managed directly by the Commission.

ANNEXE Ia MULTI-ANNUAL FINANCIAL FRAMEWORK OF COOPERATION UNDER THIS AGREEMENT

1. For the purposes set out in this Agreement and for a period beginning on 1 March 2005, a multi-annual financial framework of cooperation shall cover commitments beginning on 1 January 2008 for a period of five or six years.
2. For this new period, the European Union shall maintain its aid effort to ACP States at least at the same level as that of the 9th EDF, not including balances; to this shall be added, based on Community estimates, the effects of inflation, growth within the European Union and enlargement to 10 new Member States in 2004.
3. Any required amendments to the multi-annual financial framework or relative parts of the Agreement shall be decided by the Council of Ministers by derogation from Article 95 of this Agreement.

ANNEXE Ib

MULTI-ANNUAL FINANCIAL FRAMEWORK FOR THE PERIOD 2008 TO 2013 ⁽¹⁾

1. For the purposes set out in this Agreement and for a period starting on 1 January 2008, the overall amount of the financial assistance for the ACP Group of States within this multiannual financial framework shall be EUR 23 966 million, as specified in points 2 and 3.
2. The sum of EUR 21 966 million under the 10th European Development Fund (EDF), shall be made available on entry into force of the multiannual financial framework. It shall be allocated between the instruments of cooperation as follows:
 - a) EUR 17 766 million to finance national and regional indicative programmes. This allocation will be used to finance:
 - i) the national indicative programmes of the ACP Group of States in accordance with Articles 1 to 5 of Annexe IV to this Agreement concerning implementation and management procedures;
 - ii) the regional indicative programmes of support for regional and inter-regional cooperation and integration of ACP Group of States in accordance with Articles 6 to 11, 13(1) and 14 of Annexe IV to this Agreement concerning implementation and management procedures;
 - b) EUR 2 700 million to finance intra-ACP and inter-regional cooperation with many or all of the ACP Group of States, in accordance with Articles 12, 13(2) and 14 of Annexe IV to this Agreement concerning implementation and management procedures.

This envelope shall include structural support to the joint institutions: the CDE and the CTA referred to and supervised in accordance with the rules and procedures set out in Annexe III to this Agreement, and the Joint Parliamentary Assembly referred to in Article 17 of this Agreement. This envelope shall also cover assistance for the operating expenditures of the ACP Secretariat referred to in points 1 and 2 of Protocol 1 attached to this Agreement;

- c) EUR 1 500 million to finance the Investment Facility in accordance with the terms and conditions set out in Annexe II (Terms and conditions of financing) to this Agreement, comprising an additional contribution of EUR 1 100 million to the resources of the Investment Facility, managed as a revolving fund, and EUR 400 million under the form of grants for the financing of the interest rate subsidies provided for in Articles 2 and 4 of that Annexe over the period of the 10th EDF.
3. The operations financed under the Investment Facility, including the corresponding interest rate subsidies, shall be managed by the European Investment Bank (EIB). An amount of up to EUR 2 000 million in addition to the 10th EDF shall be made available by the EIB in the form of loans from own resources. These resources shall be granted for the purposes set out in Annexe II to this Agreement, in accordance with the conditions laid down in the statutes of the EIB and the relevant provisions of the terms and conditions for investment financing in that Annexe. All other financial resources under this multiannual financial framework shall be administered by the Commission.
4. After 31 December 2007 or after the date of entry into force of this multiannual financial framework, whichever is the later, balances from the Ninth EDF or from previous EDFs and funds decommitted from projects under these EDFs shall no longer be committed, unless the Council of the European Union decides otherwise by unanimity, with the exception of the balances and

funds decommitted after the date of entry into force resulting from the system guaranteeing the stabilisation of export earnings from primary agricultural products (STABEX) under the EDFs prior to the Ninth EDF, and the remaining balances and reimbursements of the amounts allocated for the financing of the Investment Facility, excluding the related interest rate subsidies. The funds possibly committed after 31 December 2007 until the entry into force of this Agreement, as referred to above, will be used exclusively to ensure the working ability of the EU administration and to cover the on-going costs to sustain running projects until the 10th EDF comes into force.

5. The overall amount of this multiannual financial framework shall cover the period from 1 January 2008 to 31 December 2013. The funds of the 10th EDF, apart from amounts allocated to the Investment Facility, excluding the related interest rate subsidies, shall no longer be committed beyond 31 December 2013, unless the Council of the European Union decides otherwise by unanimity, on a proposal from the Commission.

6. The Committee of Ambassadors, acting on behalf of the ACP-EC Council of Ministers, may, within the overall amount of the multiannual financial framework, take appropriate measures in order to meet programming requirements under one of the allocations provided for in point 2, including the reassignment of funds between these allocations.
7. The Parties will conduct a performance review, assessing the degree of realisation of commitments and disbursements, as well as the results and impact of the aid provided. This review will be undertaken on the basis of a proposal prepared by the Commission in 2010. It shall contribute to a decision on the amount of the financial cooperation after 2013.
8. Any Member State may provide the Commission or the EIB with voluntary contributions to support the objectives of the ACP-EC Partnership Agreement. Member States may also co-finance projects or programmes, for example in the framework of specific initiatives to be managed by the Commission or the EIB. ACP ownership at the national level of such initiatives must be guaranteed.

⁽¹⁾ O.J. L247, 09.09.2006

ANNEXE II

TERMS AND CONDITIONS OF FINANCING

CHAPTER 1 INVESTMENT FINANCING

ARTICLE 1

The terms and conditions of financing in relation to the operations of the Investment Facility (Facility), the loans from own resources of the European Investment Bank (Bank) and special operations shall be as laid down in this Chapter. These resources may be channelled to eligible enterprises, either directly or indirectly, through eligible investment funds and/or financial intermediaries.

ARTICLE 2

Resources of the investment facility

1. The resources of the Facility may be used, inter alia, to:
 - a) provide risk capital in the form of:
 - i) equity participation in ACP enterprises, including financial institutions;
 - ii) quasi-capital assistance to ACP enterprises, including financial institutions; and
 - iii) guarantees and other credit enhancements which may be used to cover political and other investment-related risks, both for foreign and local investors or lenders.
 - b) provide ordinary loans.
2. Equity participation shall normally be for non-controlling minority holdings and

shall be remunerated on the basis of the performance of the project concerned.

3. Quasi-capital assistance may consist of shareholders' advances, convertible bonds, conditional, subordinated and participating loans or any other similar form of assistance. Such assistance may consist in particular of:
 - a) conditional loans, the servicing and/or the duration of which shall be linked to the fulfilment of certain conditions with regard to the performance of the project; in the specific case of conditional loans for pre-investment studies or other project-related technical assistance, servicing may be waived if the investment is not carried out;
 - b) participating loans, the servicing and/or the duration of which shall be linked to the financial return of the project; and
 - c) subordinated loans, which shall be repaid only after other claims have been settled.
4. The remuneration of each operation shall be specified when the loan is made. However:
 - a) in the case of conditional or participating loans, the remuneration shall normally comprise a fixed interest rate of not more than 3% and a variable component related to the performance of the project; and
 - b) in the case of subordinated loans, the interest rate shall be market related.
5. Guarantees shall be priced so as to reflect the risks insured and the particular characteristics of the operation.
6. The interest rate of ordinary loans shall comprise a reference rate applied by the Bank for comparable loans with the same terms and conditions as to grace and repayment periods and a mark up determined by the Bank.

7. Ordinary loans may be extended on concessional terms and conditions in the following cases:

- a) for infrastructure projects in the Least Developed Countries, in post-conflict countries and post-natural disaster countries - other than those referred to under (aa) - that are prerequisites for private sector development. In such cases, the interest rate of the loan will be reduced by 3%;
 - aa) for infrastructure projects by commercially-run public entities, that are pre-requisites for private sector development in countries subject to restrictive borrowing conditions under the Heavily Indebted Poor Countries (HIPC) initiative or another internationally agreed debt sustainability framework. In such cases, the Bank shall seek to reduce the average cost of funds through appropriate co-financing with other donors. Should this not be deemed possible, the interest rate of the loan may be reduced by such amount as required to comply with the level arising from the HIPC initiative or a new internationally agreed debt sustainability framework;
- b) for projects which involve restructuring operations in the framework of privatisation or for projects with substantial and clearly demonstrable social or environmental benefits. In such cases, loans may be extended with an interest rate subsidy the amount and form of which will be decided with respect to the particular characteristics of the project. However, the interest rate subsidy shall not be higher than 3%.

The final rate of loans falling under (a) or (b) shall, in any case, never be less than 50% of the reference rate.

8. The funds to be provided for these concessional purposes will be made available from the Investment Facility and shall not exceed 5% of the overall

amount allocated for investment financing by the Investment Facility and by the Bank from its own resources.

9. Interest subsidies may be capitalised or may be used in the form of grants. Up to 10% of the budget for interest rate subsidies may be used to support project related technical assistance in ACP countries.

ARTICLE 3

Operations of the investment facility

1. The Investment Facility shall operate in all economic sectors and support investments of private and commercially run public sector entities, including revenue generating economic and technological infrastructure critical for the private sector. The Facility shall:
 - a) be managed as a revolving fund and aim at being financially sustainable. Its operations shall be on market-related terms and conditions and shall avoid creating distortions on local markets and displacing private sources of finances; and
 - b) support the ACP financial sector and have a catalytic effect by encouraging the mobilisation of long-term local resources and attracting foreign private investors and lenders to projects in the ACP States;
 - c) bear part of the risk of the projects it funds, its financial sustainability being ensured through the portfolio as a whole and not from individual interventions; and
 - d) seek to channel funds through ACP national and regional institutions and programmes that promote the development of small-and medium-sized enterprises (SMEs).
- 1a. The Bank shall be remunerated for the cost incurred in managing the

Investment Facility. For the first two years after the entry into force of the second financial protocol, this remuneration shall be up to an amount of 2% p.a. of the total initial endowment of the Investment Facility. Thereafter, the remuneration of the Bank shall include a fixed component of 0,5% p.a. of the initial endowment and a variable component of an amount of up to 1,5% p.a. of the portfolio of the Investment Facility that is invested in projects in ACP countries. The remuneration shall be financed out of the Investment Facility.

2. On expiry of the Financial Protocol, and in the absence of a specific decision by the Council of Ministers, the cumulative net reflows to the Investment Facility shall be carried over to the next Protocol.

ARTICLE 4 Bank own resource loans

1. The Bank shall:
 - a) contribute, through the resources it manages, to the economic and industrial development of the ACP States on a national and regional basis; and to this end, finance as a priority productive projects and programmes or other investments aimed at promoting the private sector in all economic sectors;
 - b) establish close cooperation links with national and regional development banks and with banking and financial institutions of the ACP States and of the EU; and
 - c) in consultation with the ACP State concerned, adapt the arrangements and procedures for implementing development finance cooperation, as set out in this Agreement, if necessary, to take account of the nature of the projects and programmes and to act in accordance with the objectives of this Agreement, within the framework of the procedures laid down by its statute.
2. Loans from the Bank's own resources shall be granted under the following terms and conditions:
 - a) the reference rate of interest shall be the rate applied by the Bank for a loan with the same conditions as to currency, and repayment period on the day of signature of the contract or on the date of disbursement;
 - b) however :
 - i) in principle, public sector projects shall be eligible for an interest rate subsidy of 3%;
 - ii) private sector projects falling into the categories specified in Article 2 (7)(b) shall be eligible for interest rates subsidies on the same terms as those specified in Article 2(7)(b).

The final interest rate shall, in any case, never be less than 50% of the reference rate.

 - c) the amount of the interest rate subsidy calculated in terms of its value at the times of disbursement of the loan shall be charged against the interest subsidy allocation of the Investment Facility as defined in Article 2(8) and 2(9), and paid directly to the Bank; and
 - d) the repayment period of loans made by the Bank from its own resources shall be determined on the basis of the economic and financial characteristics of the project, but may not exceed 25 years. These loans shall normally comprise a grace period fixed by reference to the construction period of the project.
3. For investments financed by the Bank from its own resources in public sector companies, specific project-related guarantees or undertakings may be required from the ACP State concerned.

ARTICLE 5 Conditions for foreign exchange rate risk

In order to minimise the effects of exchange rate fluctuations, the problems of exchange rate risk shall be dealt with in the following way:

- a) in the case of equity participation designed to strengthen an enterprise's own funds, the exchange rate risk shall, as a general rule, be borne by the Investment Facility;
- b) in the case of **ordinary loans** and risk capital financing for small-and medium-sized enterprises (SMEs), the exchange rate risk shall, as a general rule, be shared by the Community, on the one hand, and by the other Parties involved, on the other. On average, the foreign exchange rate risk **should** be shared equally and;
- c) where feasible and appropriate, particularly in countries characterised by macroeconomic and financial stability, the Facility will endeavour to extend loans in local ACP currencies, thus de facto taking the foreign exchange risk.

ARTICLE 6 Conditions for foreign exchange transfer

The ACP States concerned shall, in respect of operations under the Agreement, and in respect of which they have given their written approval within the framework of this Agreement:

- a) grant exemption from all national or local duties, fiscal charges on interest, commission and amortisation of loans due in accordance with the law or laws of the ACP State or States concerned;
- b) place at the disposal of the beneficiaries the currency necessary for the payment of interest, commission and the amortisation of loans due in terms of financing contracts granted for the implementation of projects and programmes on their territories; and

- c) make available to the Bank the foreign currency necessary for the transfer of all sums received by it in national currency at the exchange rate applicable between the Euro or other currencies of transfer and the national currency at the date of the transfer. These include all forms of remuneration, such as, inter alia, interest, dividends, commissions and fees, as well as the amortisation of loans and the proceeds from the sale of shares due in terms of financing contracts granted for the implementation of projects and programmes on their territories.

ARTICLE 6a Annual reporting on the Investment Facility

Representatives of the EU Member States responsible for the Investment Facility, Representatives of the ACP States, as well as the European Investment Bank, the European Commission, the EU Council Secretariat and the ACP Secretariat shall meet annually to discuss the operations, performance and policy questions concerning the Investment Facility.

ARTICLE 6b Review of performance of the Investment Facility

The overall performance of the Investment Facility shall be subject to a joint review at the mid-term and end-term of a financial protocol. Such an exercise may include a recommendation on how to improve the implementation of the Facility.

CHAPTER 2 SPECIAL OPERATIONS

ARTICLE 7

1. Cooperation shall support from the grant allocation:
 - a) low-income housing to promote long-term development of the housing sector, including secondary mortgage facilities;
 - b) micro-finance to promote SMEs and micro-enterprises; and
 - c) capacity building to strengthen and facilitate the effective participation of the private sector in social and economic development.
2. The ACP-EC Council of Ministers shall, after the signature of this Agreement and on a proposal by the ACP-EC Development Finance Cooperation Committee, decide on the modalities and the amount of resources allocated from the long-term development envelope to attain these objectives.

CHAPTER 3 FINANCING FOR SHORT-TERM FLUCTUATIONS IN EXPORT EARNINGS

ARTICLE 8

1. The Parties recognise that losses of export earnings as a result of short-term fluctuations may jeopardise the development financing requirements and the implementation of macroeconomic and sectoral policies. The degree of dependence of an ACP State's economy on the export of goods, and in particular from agricultural and mining products shall, therefore, be a criterion for determining the allocation of long-term development.

2. In order to mitigate the adverse effects of instability of export earnings and safeguard the development programme jeopardised by the drop in revenue, additional financial support may be mobilised from the programmable resources for the country's long-term development on the basis of Articles 9 and 10.

ARTICLE 9 Eligibility criteria ⁽¹⁾

1. Eligibility for additional resources shall be established by:
 - a) - a 10% (2% in the case of least-developed **landlocked and island States**) loss of export earnings from goods compared with the arithmetical average of the earnings in the first three years of the first four years preceding the application year; or
 - a 10% (2% in the case of least-developed **landlocked and island States**) loss of export earnings from the total of agricultural or mineral products compared with the arithmetical average of the earnings in the first three years of the first four years preceding the application year for countries where the agricultural or mineral export revenues represent more than 40 % of total export revenues from goods; and
 - b) a 2% worsening in the programmed public deficit programmed for the year in question or forecast for the following year.
2. Entitlement to additional support shall be limited to four successive years.

⁽¹⁾ O.J. L297, 22.09.2004

3. The additional resources shall be reflected in the public accounts of the country concerned. They shall be utilised in accordance with programming rules and methods including the specific provisions in Annexe IV "Implementation and management procedures", on the basis of agreements drawn up in advance between the Community and the ACP State concerned in the year following the application. By agreement of both Parties the resources may be used to finance programmes included in national budget. However a part of the additional resources may also be set aside for specific sectors.

ARTICLE 10 Advances

The system for allocating additional resources shall provide for advances to cover any delays in obtaining consolidated trade statistics and to ensure that the resources in question can be included in the budget of the year following the application year. Advances shall be mobilised on the basis of provisional export statistics drawn up by the government and submitted to the Commission in advance of the official final consolidated statistics. The maximum advance shall be 80% of the estimated amount of additional resources for the application year. The amounts thus mobilised shall be adjusted by common agreement between the Commission and the government in the light of final consolidated export statistics and the final figure of the public deficit.

ARTICLE 11

The provisions in this Chapter shall be subject to review at the latest after two years of operation and subsequently at the request of either Party.

CHAPTER 4 OTHER PROVISIONS

ARTICLE 12 Current payments and capital movements

1. Without prejudice to paragraph 3 hereafter, the Parties undertake to impose no restrictions on any payments, in freely convertible currency, on the current account of balance of payments between residents of the Community and of the ACP States.
2. With regard to transactions on the capital account of balance of payments, the Parties undertake to impose no restrictions on the free movement of capital relating to direct investments made in companies formed in accordance with the law of the host country and investments made in accordance with this Agreement, and the liquidation or repatriation of these investments and of any profit stemming therefrom.
3. Where one or more ACP State or one or more Member State of the Community is in serious balance of payments difficulties, or under threat thereof, the ACP State, the Member State or the Community may, in accordance with the conditions established under the GATT, GATS and Article VIII and XIV of the Articles of Agreement of the International Monetary Fund, adopt restrictions on current transactions which shall be of limited duration and may not go beyond what is necessary to remedy the balance of payments situation. The Party taking the measures shall inform the other Parties forthwith and shall submit to them as soon as possible a timetable for the elimination of the measures concerned.

ARTICLE 13 Qualification and treatment of business entities

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

ARTICLE 14 Definition of "companies and firms"

1. For the purpose of this Agreement, "companies or firms of a Member State or an ACP State" mean companies or firms constituted under civil or commercial law, including corporations, whether public or otherwise, cooperative societies and other legal persons and partnerships governed by public or private law, save for those which are non-profit-making, formed in accordance with the law of a Member State or an ACP State and whose statutory office, central administration or principal place of business is a Member State or an ACP State.
2. However, a company or firm having only its statutory office in a Member State or an ACP State must be engaged in an activity which has an effective and continuous link with the economy of that Member State or ACP State.

CHAPTER 5 INVESTMENT PROTECTION AGREEMENTS

ARTICLE 15

1. When implementing the provisions of Article 78 of this Agreement, the Parties shall take into account the following principles :
 - a) a Contracting State may request where appropriate, the negotiation of an investment promotion and protection agreement with another Contracting State;
 - b) the States party to such agreements shall practise no discrimination between Contracting States party to this Agreement or against each other in relation to third countries when opening negotiations for concluding, applying and interpreting bilateral or multi-lateral investment promotion and protection agreements;
 - c) the Contracting States shall have the right to request a modification or adaptation of the non-discriminatory treatment referred to above when international obligations or changed circumstances so necessitate;
 - d) the application of the principles referred to above does not purport to and cannot in practice infringe the sovereignty of any Contracting Party to the Agreement; and
 - e) the relation between the date of entry into force of any agreement negotiated, provisions for the settlement of disputes and the date of the investments concerned will be set out in the said agreement, account being taken of the provisions set out above. The Contracting Parties confirm that retroactivity shall not apply as a general principle unless Contracting States stipulate otherwise.
2. With a view to facilitating the negotiation of bilateral agreements on investment

promotion and protection, the Contracting Parties agree to study the main clauses of a model protection agreement. The study, drawing on the provisions of the existing bilateral agreements between the States Parties, will give particular attention to the following issues:

- a) legal guarantees to ensure fair and equitable treatment and protection of foreign investors;
 - b) the most-favoured-investor clause;
 - c) protection in the event of expropriation and nationalisation;
 - d) the transfer of capital and profits, and
 - e) international arbitration in the event of disputes between investor and host State.
3. The Parties agree to study the capacity of the guarantee systems to give a positive answer to the specific needs of small and medium sized enterprises of insuring their investments in ACP States. The studies referred to above shall be started as soon as possible after the signing of the Agreement. The result of these studies shall be submitted, upon completion to the ACP-EC Development Finance Cooperation Committee for consideration and appropriate action.

ANNEXE III INSTITUTIONAL SUPPORT, CDE AND CTA

ARTICLE 1

Cooperation shall support the institutional mechanisms that provide assistance for businesses and enterprises and promote agriculture and rural development. In this context, cooperation shall help to:

- a) strengthen and enhance the role of the Centre for the Development of Enterprise (CDE) so as to provide the ACP private sector with the necessary support in the promotion of private sector development activities; and
- b) strengthen and reinforce the role of the Centre for the Development of Agriculture (CTA) in ACP institutional capacity development, particularly information management, in order to improve access to technologies for increasing agricultural productivity, commercialisation, food security and rural development.

ARTICLE 2 CDE

1. The CDE shall support the implementation of private-sector development strategies in the ACP countries by providing non-financial services to ACP companies and businesses and support to joint initiatives set up by economic operators of the Community and of the ACP States.
2. The CDE shall aim to assist private ACP enterprises to become more competitive in all sectors of the economy. It shall in particular:
 - a) facilitate and promote business cooperation and partnerships between ACP and EU enterprises;

- b) assist with the development of business support services through support for capacity building in private sector owned organisations or support for providers of technical, professional, management, commercial and training support services;
 - c) provide assistance for investment promotion activities, such as investment promotion organisations, organisation of investment conferences, training programmes, strategy workshops and follow-up investment promotion missions; and
 - c) support for initiatives that contribute to develop and transfer technologies and know-how and best practices on all aspects of business management.
3. The CDE shall also:

- a) inform the ACP private sector about the provisions of the Agreement;
 - b) diffuse information within the local ACP private sector about the product quality and standards required in external markets; and
 - c) provide information to European companies and private sector organisations on business opportunities and modalities in ACP countries.
4. The CDE shall extend its support for enterprises through qualified and competent national and/or regional service-providing intermediaries.
5. The activities of the CDE shall be based on the concept of coordination, complementarity and added value in respect of any private sector development initiatives taken by public or private entities. The CDE shall exercise selectivity in undertaking its tasks.
6. The Committee of Ambassadors shall be the supervisory authority of the Centre. It shall, after the signature of this Agreement:

- a) lay down the statutes and rules of procedure of the Centre, including its supervisory bodies;
 - b) lay down the statutes relating to staff, financial and staff regulations;
 - c) supervise the work of the bodies of the Centre; and
 - d) lay down the rules of operation and the procedures for the adoption of the Centre's budget.
7. The Committee of Ambassadors shall, in accordance with the procedures and criteria determined by it, appoint the members of the bodies of the Centre.
8. The budget of the Centre shall be financed in accordance with the rules laid down in this Agreement in respect of development finance cooperation.

ARTICLE 3 CTA

1. The mission of the CTA shall be to strengthen policy and institutional capacity development and information and communication management capacities of ACP agricultural and rural development organisations. It shall assist such organisations in formulating and implementing policies and programmes to reduce poverty, promote sustainable food security, preserve the natural resource base, and thus contribute to building self-reliance in ACP rural and agricultural development.
2. The CTA shall:
- a) develop and provide information services and ensure better access to research, training and innovations in the spheres of agricultural and rural development and extension, in order to promote agriculture and rural development; and
 - b) develop and reinforce ACP capacities in order to:

- i) improve the formulation and management of agricultural and rural development policies and strategies at national and regional levels including improved capacity for data collection, policy research, analysis and formulation;
 - ii) improve the information and communication management, in particular within the National Agricultural Strategy;
 - iii) promote effective intra-institutional Information and Communication Management (ICM) for performance monitoring, as well as consortia with regional and international partners;
 - iv) promote decentralised ICM at local and national levels;
 - v) strengthen initiatives via regional cooperation; and
 - vi) develop approaches for assessing the impact of policy on agricultural and rural development.
3. The Centre shall support regional initiatives and networks and shall progressively share capacity development programmes with appropriate ACP organisations. To this end, the Centre shall support decentralised regional information networks. Such networks shall be built up gradually and efficiently.
4. The Committee of Ambassadors shall be the supervisory authority of the Centre. It shall, after the signature of this Agreement:
- a) lay down the statutes and rules of procedures of the Centre, including its supervisory bodies;
 - b) lay down the statutes relating to staff, financial and staff regulations;
 - c) supervise the work of the bodies of the Centre; and

- d) lay down the rules of operation and the procedures for the adoption of the Centre's budget.
5. The Committee of Ambassadors shall, in accordance with the procedures and criteria determined by it, appoint the members of the bodies of the Centre.
6. The budget of the Centre shall be financed in accordance with the rules laid down in this Agreement in respect of development finance cooperation.

ANNEXE IV IMPLEMENTATION AND MANAGEMENT PROCEDURES

CHAPTER 1 PROGRAMMING (NATIONAL)

ARTICLE 1

Operations financed by grants within the framework of this Agreement shall be programmed at the beginning of the period covered by the Financial Protocol. Programming for this purpose shall mean:

- a) the preparation and development of a Country Support Strategy (CSS) based on the country's own medium-term development objectives and strategies;
- b) a clear indication from the Community of the indicative programmable financial allocation from which the country may benefit during the five year period as well as any other relevant information;
- c) the preparation and adoption of an indicative programme for implementing the CSS; and
- d) a review process covering the CSS, the indicative programme and the volume of resources allocated to it.

ARTICLE 2 Country support strategy

The CSS shall be prepared by the ACP State concerned and the EU following consultations with a wide range of actors in the development process, and shall draw on lessons learned and best practices. Each CSS shall be adapted to the needs and respond to the specific circumstances of each ACP State. The CSS shall be an instrument to prioritise activities and to build local ownership of cooperation pro-

grammes. Any divergences between the country's own analysis and that of the Community shall be noted. The CSS shall include the following standard elements:

- a) an analysis of the political, economic and social country context, constraints, capacities and prospects including an assessment of basic needs, such as income per capita, population size and social indicators, and vulnerability;
- b) a detailed outline of the country's medium-term development strategy, clearly defined priorities and expected financing requirements;
- c) an outline of relevant plans and actions of other donors present in the country, in particular including those of the EU Member States in their capacity as bilateral donors;
- d) response strategies, detailing the specific contribution the EU can provide. These shall, to the extent possible, enable complementarity with operations financed by the ACP State itself and by other donors present in the country; and
- e) a definition of the nature and scope of the most appropriate support mechanisms to be applied in implementing the above strategies.

ARTICLE 3 Resource allocation

1. Resource allocation shall be based on needs and performance, as defined in this Agreement. In this context:
 - a) needs shall be assessed on the basis of criteria pertaining to per capita income, population size, social indicators and level of indebtedness, export earning losses and dependence on export earnings, in particular in the sectors of agriculture and mining. Special treatment shall be accorded to the least developed ACP States, and the vulnerability

of island and landlocked States shall duly be taken into account. In addition, account shall be taken of the particular difficulties of countries **dealing with the aftermath of conflict or natural disaster**; and

- b) performance shall be assessed in an objective and transparent manner on the basis of the following parameters: progress in implementing institutional reforms, country performance in the use of resources, effective implementation of current operations, poverty alleviation or reduction, sustainable development measures and macroeconomic and sectoral policy performance.
2. The allocated resources shall comprise two elements:
 - a) an allocation to cover macroeconomic support, sectoral policies, programmes and projects in support of the focal or non focal areas of Community assistance; and
 - b) an allocation to cover unforeseen needs such as emergency assistance where such support cannot be financed from the EU budget, contributions to internationally agreed debt relief initiatives and support to mitigate adverse effects of instability in export earnings.
 3. This indicative amount shall facilitate the long term programming of Community aid for the country concerned. Together with the uncommitted balances of resources allocated to the country under previous EDF, and wherever possible Community budget resources, these allocations shall be the basis for the preparation of the indicative programme for the country concerned.
 4. Provision will be made for those countries which, due to exceptional circumstances, can not access normal programmable resources.
 5. **Without prejudice to Article 5(7) concerning reviews, the Community may, in order to take account of special needs**

or exceptional performance, increase a country's allocation.

ARTICLE 4 Preparation and adoption of the indicative programme

1. Upon receipt of the information referred to above, each ACP State shall draw up and submit to the Community a draft indicative programme on the basis of and consistent with its development objectives and priorities as expressed in the CSS. The draft indicative programme shall contain:
 - a) the focal sector, sectors or areas on which support should be concentrated;
 - b) the most appropriate measures and operations for attaining the objectives and targets in the focal sector, sectors or areas;
 - c) the resources reserved for **programmes and projects** outside the focal sector(s) and/or the broad outlines of such activities, as well as an indication of the resources to be deployed for each of these elements;
 - d) **the types of non-State actors eligible for funding, in accordance with the criteria laid down by the Council of Ministers, the resources allocated for non-State actors and the type of activities to be supported, which must be not-for-profit;**
 - e) proposals for regional **programmes and projects**; and
 - f) a reserve for insurance against possible claims and to cover cost increases and contingencies.
2. The draft indicative programme shall, as appropriate, contain the resources reserved to reinforce human, material and institutional ACP capacity for preparing and implementing national

and regional indicative programmes and for improving the management of the ACP States' public investment projects cycle.

3. The draft indicative programme shall be the subject of an exchange of views between the ACP State concerned and the Community. The indicative programme shall be adopted by common agreement between the Commission on behalf of the Community and the ACP State concerned. It shall, when adopted, be binding on both the Community and that State. This indicative programme shall be annexed to the CSS and shall in addition contain:

- a) specific and clearly identified operations, especially those that can be committed before the next review;
- b) a timetable for implementation and review of the indicative programme, including commitments and disbursements of resources; and
- c) the parameters and criteria for the reviews.

4. The Community and the ACP State concerned shall take all necessary measures to ensure that the programming process is completed within the shortest possible time and, save in exceptional circumstances, within twelve months of the signing of the Financial Protocol. In this context, the preparation of the CSS and the indicative programme must be part of a continuous process leading to the adoption of a single document.

5. When an ACP State faces a crisis situation as the result of a war or other conflict, or exceptional circumstances with a comparable effect, preventing the National Authorising Officer from carrying out his duty, the Commission may itself manage the resources allocated to the State in question in accordance with Article 3 and use it for special support. Special support may concern peace building pol-

icies, conflict management and resolution, post-conflict support, including institution-building, economic and social development activities, taking particular account of the needs of the most vulnerable sections of the population. The Commission and the ACP State concerned shall revert to normal implementation and normal management procedures as soon as the authorities responsible for managing cooperation are able to do so once more.

ARTICLE 5 Review process

1. Financial cooperation between the ACP State and the Community shall be sufficiently flexible to ensure that operations are kept constantly in line with the objectives of this Agreement and to take account of any changes occurring in the economic situation, priorities and objectives of the ACP State concerned. In this context, the National Authorising Officer and the Commission shall:
 - a) annually undertake an operational review of the indicative programme; and
 - b) undertake a mid-term and end-of-term review of the CSS and the indicative programme in the light of current needs and performance.
2. In exceptional circumstances referred to in the provisions on humanitarian and emergency assistance, the review can be carried out on the demand of either Party.
3. The National Authorising Officer and the Commission shall:
 - a) take all necessary measures to ensure adherence to the provisions of the indicative programme, including ensuring that the timetable of commitments and disbursements agreed at the time of programming is adhered to; and
 - b) determine any causes of delay in implementation and propose suitable measures to remedy the situation.

4. The annual operational review of the indicative programme shall consist of a joint assessment of the implementation of the programme and take into account the results of relevant activities of monitoring and evaluation. This review shall be conducted locally and shall be finalised between the National Authorising Officer and the Commission within a period of 60 days. It shall in particular cover an assessment of:

- a) the results achieved in the focal sector(s) measured against the identified targets and impact indicators and sectoral policy commitments;
 - b) programmes and projects outside the focal sector(s) and/or in the framework of multi annual programmes;
 - c) the use of resources set aside for non State actors;
 - d) the effectiveness in implementation of current operations and the extent to which the timetable for commitments and payments have been respected; and
 - e) an extension of the programming perspective for the following years.
5. The National Authorising Officer and the Commission shall submit the report on the conclusion of the annual review to the Development Finance Cooperation Committee, within 30 days of the completion of the operational review. The Committee shall examine the report in accordance with its responsibilities and powers under the Agreement.

6. In the light of the annual operational reviews, the National Authorising Officer and the Commission may at the mid-term and end-of-term reviews, and within the above time frames, review and adapt the CSS:

- a) where operational reviews indicate specific problems; and/or

b) in the light of changed circumstances of an ACP State.

Such reviews shall be completed within a further period of 30 days of the finalisation of the mid-term and end-of-term reviews. The end of Financial Protocol review shall also include adaptation for the new financial protocol in terms of both resource allocation and preparation for the next programme.

7. Following the completion of the mid-term and end-of-term reviews, the Commission may, on behalf of the Community, revise the resource allocation in the light of current needs and performance of the ACP State concerned.

CHAPTER 2 PROGRAMMING AND PREPARATION (REGIONAL)

ARTICLE 6 Participation

1. Regional cooperation shall cover operations benefiting and involving:
 - a) two or more or all ACP States as well as any non-ACP developing countries participating in these operations, and/or
 - b) a regional body of which at least two ACP States are members, including those with members which are non-ACP countries.
2. Regional cooperation can also involve Overseas Countries and Territories and outermost regions. The funding to enable participation of these territories shall be additional to funds allocated to the ACP States under the Agreement.

ARTICLE 7 Regional programmes

The ACP States concerned shall decide on the definition of geographical regions.

To the maximum extent possible, regional integration programmes should correspond to programmes of existing regional organisations with a mandate for economic integration. In principle, in case the membership of several relevant regional organisations overlaps, the regional integration programme should correspond to the combined membership of these organisations. In this context, the Community will provide specific support from regional programmes to groups of ACP States who are committed to negotiate economic partnership agreements with the EU.

ARTICLE 8

Regional programming

1. Programming shall take place at the level of each region. The programming shall be a result of an exchange of views between the Commission and the duly mandated regional organisation(s) concerned, and in the absence of such a mandate, the National Authorising Officers of the countries in that region. Where appropriate, programming may include a consultation with eligible non-State actors.
2. Programming for this purpose shall mean:
 - a) preparation and development of a Regional Support Strategy (RSS) based on the region's own medium-term development objectives and strategies;
 - b) a clear indication from the Community of the indicative resource allocation from which the region may benefit during the five-year period as well as any other relevant information;
 - c) preparation and adoption of a Regional Indicative Programme (RIP) for implementing the RSS; and
 - d) a review process covering the RSS, the RIP and the volume of resources allocated to each region.

3. The RSS shall be prepared by the Commission and the duly mandated regional organisation(s) in collaboration with the ACP States in the region concerned. The RSS will be an instrument to prioritise activities and to build local ownership of supported programmes. The RSS shall include the following standard elements:

- a) an analysis of the political, economic and social context of the region;
- b) an assessment of the process and prospects of regional economic integration and integration into the world economy;
- c) an outline of the regional strategies and priorities pursued and the expected financing requirements;
- d) an outline of relevant activities of other external partners in regional cooperation; and
- e) an outline of the specific EU contribution towards achievement of the goals for regional cooperation and integration, complementary insofar as possible to operations financed by the ACP States themselves and by other external partners, particularly the EU Member States.

ARTICLE 9

Resource allocation

1. At the beginning of the period covered by the Financial Protocol, each region shall receive from the Community an indication of the volume of resources from which it may benefit during a five-year period. The indicative resource allocation shall be based on an estimate of need and the progress and prospects in the process of regional cooperation and integration. In order to achieve an adequate scale and to increase efficiency, regional and national funds may be mixed for financing regional operations with a distinct national component.

2. Without prejudice to Article 11 concerning reviews, the Community may, in order to take account of new needs or exceptional performance, increase a region's allocation.

ARTICLE 10

Regional indicative programme

1. On the basis of the resource allocation indicated above, the duly mandated regional organisation(s), and in the absence of such a mandate, the National Authorising Officers of the countries in the region, shall draw up a draft Regional Indicative Programme. In particular, the draft programme shall specify:
 - a) the focal sectors and themes of Community aid;
 - b) the most appropriate measures and operations to achieve the objectives set for those sectors and themes; and
 - c) the programmes and projects enabling those objectives to be attained, insofar as they have been clearly identified as well as an indication of the resources to be deployed for each of these elements and a timetable for their implementation.
2. The Regional Indicative Programmes shall be adopted by common agreement between the Community and the ACP States concerned.

ARTICLE 11

Review process

Financial cooperation between each ACP region and the Community shall be sufficiently flexible to ensure that operations are kept constantly in line with the objectives of this Agreement and to take account of any changes occurring in the economic situation, priorities and objectives of the region concerned. A mid-term and end-of-term review of the regional indicative programmes shall be undertaken to adapt the indicative programme to

evolving circumstances and to ensure that they are correctly implemented. Following the completion of mid-term and end-of-term reviews, the Community may revise the resource allocation in the light of current needs and performance.

ARTICLE 12

Intra-ACP cooperation

1. At the beginning of the period covered by the Financial Protocol, the Community shall indicate to the ACP Council of Ministers the part of the funds earmarked for regional operations that shall be set aside for operations that benefit many or all ACP States. Such operations may transcend the concept of geographic location.
2. The Community may, in order to take account of new needs for increasing the impact of intra-ACP activities, increase the allocation for intra-ACP cooperation.

ARTICLE 13

Requests for financing

1. Requests for financing of regional programmes shall be submitted by:
 - a) a duly mandated regional body or organisation; or
 - b) a duly mandated sub-regional body, organisation or an ACP State in the region concerned at the programming stage, provided that the operation has been identified in the RIP.
2. Requests for intra-ACP programmes shall be submitted by:
 - a) at least three duly mandated regional bodies or organisations belonging to different geographic regions, or at least two ACP States from each of the three regions; or
 - b) the ACP Council of Ministers or the ACP Committee of Ambassadors; or

- c) international organisations carrying out operations that contribute to the objectives of regional cooperation and integration, such as the African Union, subject to prior approval by the ACP Committee of Ambassadors.

ARTICLE 14 Procedures for implementation

1. [deleted]
2. [deleted]
3. Account being taken of the objectives and inherent characteristics of regional cooperation, including intra-ACP cooperation, operations undertaken in this sphere shall be governed by the procedures established for development finance cooperation where applicable.
4. In particular and subject to paragraphs 5 and 6, any regional programme or project financed from the Fund shall give rise to:
 - a) either, in accordance with Article 17, a financing agreement drawn up between the Commission and one of the bodies mentioned in Article 13; in such cases, the relevant body shall designate a Regional Authorising Officer whose duties correspond mutatis mutandis with those of the National Authorising Officer;
 - b) or a grant contract as defined in Article 19a drawn up between the Commission and one of the bodies mentioned in Article 13, depending on the nature of the action and where the relevant body, other than an ACP State, is responsible for carrying out the programme or project.
5. Programmes and projects financed from the Fund and for which requests for financing have been presented by international organisations in accordance with Article 13(2)(c) shall give rise to the drawing up of a grant contract.

6. Programmes and projects financed from the Fund for which requests for financing have been presented by the ACP Council of Ministers or Committee of Ambassadors shall be implemented either by the ACP Secretariat, in which case a financing agreement shall be drawn up between the Commission and the Secretariat in accordance with Article 17, or by the Commission, depending on the nature of the action.

CHAPTER 3 APPRAISAL AND FINANCING

ARTICLE 15 Identification, preparation and appraisal of programmes and projects

1. Programmes and projects that have been presented by the ACP State concerned shall be subject to joint appraisal. The ACP-EC Development Finance Cooperation Committee shall develop the general guidelines and criteria for appraisal of programmes and projects. These programmes and projects are generally multi-annual and may incorporate a whole range of actions of a limited size in a particular area.
2. Programme and project dossiers prepared and submitted for financing must contain all information necessary for the appraisal of the programmes and projects or, where programmes and projects have not been completely defined, provide the broad outlines necessary for their appraisal.
3. Programme and project appraisal shall take due account of national human resource constraints and ensure a strategy favourable to the promotion of such resources. It shall also take into account the specific characteristics and constraints of each ACP State.
4. Programmes and projects to be implemented by non-State actors which are eli-

gible in accordance with this Agreement may be appraised by the Commission alone and give rise to the establishment, between the Commission and non-State actors, of grant contracts as defined in Article 19a. This appraisal shall comply with Article 4(1)(d) regarding the types of actors, their eligibility and the type of activity to be supported. The Commission, through the Head of Delegation, shall inform the National Authorising Officer of such allocated grants.

ARTICLE 16 Financing proposal and decision

1. The conclusions of the appraisal shall be summarised in a financing proposal, the final version of which shall be drawn up by the Commission in close collaboration with the ACP State concerned.
2. [deleted]
3. [deleted]
4. The Commission, acting on behalf of the Community, shall communicate its financing decision to the ACP State concerned within 90 days from the date on which the final version of the financial proposal is drawn up.
5. Where the financing proposal is not adopted by the Commission on behalf of the Community, the ACP State concerned shall be informed immediately of the reasons for that decision. In such a case, the representatives of the ACP State concerned may, within 60 days thereafter, request either:
 - a) that the matter be referred to the ACP-EC Development Finance Cooperation Committee set up under this Agreement; or
 - b) that they be given a hearing by the Community's representatives.
6. Following such a hearing, a definitive decision to adopt or reject the financing

proposal shall be taken by the Commission on behalf of the Community. Before any decision is taken, the ACP State concerned may forward to the Commission any facts which may appear necessary to supplement the information available to it.

ARTICLE 17 Financing agreement

1. Save as otherwise provided for in this Agreement, for any programme or project financed by a grant from the Fund, a financing agreement shall be drawn up between the Commission and the ACP State concerned.
2. The financing agreement shall be drawn up between the Commission and the ACP State concerned within 60 days of the decision taken by the Commission on behalf of the Community. The financing agreement shall:
 - a) specify, in particular, the details of the Community's financial contribution, the financing arrangements and terms and the general and specific provisions relating to the programme or project concerned; and
 - b) make adequate provision for appropriations to cover cost increases and contingencies.
3. Any unexpended balance left upon closure of the accounts of programmes and projects shall accrue to the ACP State or States concerned.

ARTICLE 18 Cost over-runs

1. Once it appears that there is a risk of cost over-runs over and above the financing available under the financing agreement, the National Authorising Officer shall notify the Commission and request its prior approval on the measures which the National Authorising Officer intends to take in order to cover such cost over-runs, either by reducing the scale of the programme or project or by calling on national or other non Community resources.
2. If it is not possible to reduce the scale of the programme or project or to cover the over-runs with other resources, the Commission, acting on behalf of the Community, may, on the basis of a reasoned request from the National Authorising Officer, take an additional financing decision on resources from the indicative programme.

ARTICLE 19 Retroactive financing

1. In order to ensure early project start-up, avoid gaps between sequential projects and prevent delays, the ACP States may, on completion of project appraisal and before the financing decision is taken, pre-finance activities linked to the start-up of programmes, preliminary and seasonal work, orders for equipment with long delivery lead times as well as some on-going operations. Such expenditure shall satisfy the procedures provided for in this Agreement.
2. Any expenditure referred to in paragraph 1 shall be mentioned in the financing proposal and shall be without prejudice to the financing decision taken by the Commission on behalf of the Community.
3. Expenditure made by the ACP State under this Article shall be retroactively financed under the programme or project, once the financing agreement is signed.

CHAPTER 4 IMPLEMENTATION

ARTICLE 19a Implementation measures

1. Where financial execution is the Commission's responsibility, implementation of programmes and projects financed from the Fund shall consist chiefly of the following:
 - a) awarding of procurement contracts;
 - b) awarding of grants;
 - c) performance by direct labour;
 - d) direct payments as budgetary support, support for sectoral programmes, debt relief and support to cover short term fluctuations in export earnings.
2. In the context of this Annexe, procurement contracts are contracts for pecuniary interest concluded in writing in order to obtain, against payment of a price, the supply of movable assets, the execution of works or the provision of services.
3. In the context of this Annexe, grants are direct financial contributions awarded by way of a donation in order to finance:
 - a) either an action designed to help achieve an objective of this Agreement or of a programme or project adopted in accordance with this Agreement, or
 - b) the functioning of a body which pursues such an objective.Grants shall be covered by a written contract.

ARTICLE 19b Tender procedure with suspension clause

In order to ensure early project start-up, the ACP States may, in all duly substanti-

ated cases and in agreement with the Commission, issue invitations to tender for all types of contracts with a suspension clause, once project appraisal is completed but before the financing decision is taken. Such a provision must be mentioned in the financing proposal

ARTICLE 20 Eligibility

Save where a derogation is granted in accordance with Article 22, and without prejudice to Article 26:

1. participation in procedures for the awarding of procurement contracts or grants financed from the Fund shall be open to all natural and legal persons from ACP States and Member States of the Community;
2. supplies and materials purchased under a contract financed from the Fund must originate in a State that is eligible under point 1. In this context, the definition of the concept of "originating products" shall be assessed by reference to the relevant international agreements, and supplies originating in the Community shall include supplies originating in the Overseas Countries and Territories;
3. participation in procedures for the awarding of procurement contracts or grants financed from the Fund shall be open to international organisations;
4. whenever the Fund finances an operation implemented through an international organisation, participation in procedures for the awarding of procurement contracts or grants shall be open to all natural and legal persons who are eligible under point 1, and to all natural and legal persons who are eligible according to the rules of the organisation, care being taken to ensure equal treatment of all donors. The same rules apply for supplies and materials;
5. whenever the Fund finances an operation implemented as part of a regional

initiative, participation in procedures for the awarding of procurement contracts or grants shall be open to all natural and legal persons who are eligible under point 1, and to all natural and legal persons from a country participating in the relevant initiative. The same rules apply for supplies and materials;

6. whenever the Fund finances an operation co-financed with a third State, participation in procedures for the awarding of procurement contracts or grants shall be open to all natural and legal persons eligible under point 1, and to all persons eligible under the rules of the above mentioned third State. The same rules apply for supplies and materials.

ARTICLE 21 Participation on equal terms

The ACP States and the Commission shall take the necessary measures to ensure the widest possible participation on equal terms in invitations to tender for works, supplies and services contracts, including, as appropriate, measures to:

- a) ensure publication of invitations to tender in the Official Journal of the European Communities, the Internet, the Official Journals of all the ACP States and any other appropriate information media;
- b) eliminate discriminatory practices or technical specifications which might stand in the way of widespread participation on equal terms;
- c) encourage cooperation between the companies and firms of the Member States and of the ACP States;
- d) ensure that all the awarding criteria are specified in the tender dossier; and
- e) ensure that the tender selected conforms to the requirements of the tender dossier and meets the awarding criteria stated there in.

ARTICLE 22 Derogation

1. In exceptional duly substantiated circumstances, natural or legal persons from third countries not eligible under Article 20 may be authorised to participate in procedures for the awarding of procurement contracts or grants financed by the Community at the justified request of the ACP States concerned. The ACP States concerned shall, on each occasion, provide the Commission with the information needed to decide on such derogation, with particular attention being given to:
 - a) the geographical location of the ACP State concerned;
 - b) the competitiveness of contractors, suppliers and consultants from the Member States and the ACP States;
 - c) the need to avoid excessive increases in the cost of performance of the contract;
 - d) transport difficulties or delays due to delivery times or other similar problems;
 - e) technology that is the most appropriate and best suited to local conditions;
 - f) cases of extreme urgency;
 - g) the availability of products and services in the relevant markets.
2. In the case of projects financed from the Investment Facility, the procurement rules of the Bank shall apply.

ARTICLE 23 Competition

1. To simplify and streamline the general rules and regulations for competition and preferences for EDF financed operations, contracts shall be awarded through open and restricted procedures as well as framework contract, direct agreement contracts and direct labour as follows:

- a) open international invitation to tender through or after the publication of a procurement notice in accordance with the provisions of this Agreement;
 - b) open local invitation to tender where the procurement notice is published exclusively in the beneficiary ACP State;
 - c) restricted international invitation to tender where the Contracting Authority invites a limited number of candidates to take part in the call for tender after the publication of a pre-information notice;
 - d) direct agreement contracts which involve simplified procedure where the publication of the procurement notice is dispensed with and the Contracting Authority invites a limited number of service providers to present their offers; and
 - e) direct labour agreement where contracts are performed through public or semi-public agencies and departments of the beneficiary States concerned.
2. Contracts financed from the Fund shall be concluded in accordance with the following provisions:
 - a) works contracts of a value :
 - i) higher than EUR 5 000 000 shall be awarded in an open international invitation to tender;
 - ii) between EUR 300 000 and EUR 5 000 000 shall be awarded through an open local invitation to tender; and
 - iii) lower than EUR 300 000 shall be awarded by direct agreement contract which involves a simplified procedure without publication of a procurement notice.
 - b) supply contracts of a value :
 - i) higher than EUR 150 000 shall be awarded through an open international invitation to tender;

- ii) between EUR 30 000 and EUR 150 000 shall be awarded through an open local invitation to tender; and
 - iii) below EUR 30 000 shall be awarded by direct agreement contract which involves a simplified procedure without publication of a procurement notice.
- c) service contracts of a value :
 - i) higher than EUR 200 000 shall be awarded through a restricted international tender after publication of a procurement notice; and
 - ii) below EUR 200 000 shall be awarded by direct agreement contract which involves a simplified procedure or a framework contract.
3. For works, supply and service contracts with a value of EUR 5 000 or less, these can be awarded directly without competition.
 4. In case of restricted invitation to tender, a short-list of prospective tenderers shall be drawn up by the ACP State or States concerned in agreement with the Head of Delegation following, where applicable, a call for pre-qualification of tenders based on the publication of a procurement notice.
 5. In case of direct-agreement contracts, the ACP State shall enter freely into such discussions as it may consider appropriate with the prospective tenderers whom it has short-listed in accordance with the Articles 20 to 22 and award the contract to the tenderers whom it has selected.
 6. The ACP States may request the Commission to negotiate, draw up, conclude and implement service contracts directly on their behalf or through its relevant agency.

ARTICLE 24 Implementation by direct labour

1. In the case of direct labour operations, programmes and projects shall be implemented through public or semi-public agencies or departments of the ACP State or States concerned or by the legal person responsible for executing the operation.
2. The Community shall contribute to the costs of the department involved by providing the equipment and/or materials that it lacks and/or resources to allow it to acquire additional staff required in the form of experts from within the ACP States concerned or other ACP States. The Community's participation shall cover only costs incurred by supplementary measures and temporary expenditure relating to execution that are strictly confined to the requirements of the programmes and projects in question.
3. Programme estimates implementing direct-labour operations must comply with the Community rules, procedures and standard documents laid down by the Commission, as applicable at the time of approval of the programme estimates.

ARTICLE 25 Emergency assistance contracts

- Contracts under emergency assistance shall be undertaken in such a way as to reflect the urgency of the situation. To this end, for all operations relating to emergency assistance, the ACP State may, in agreement with the Head of Delegation, authorise:
- a) the conclusion of contracts by direct agreement;
 - b) the performance of contracts by direct labour;
 - c) implementation through specialised agencies; and
 - d) direct implementation by the Commission.

ARTICLE 26 Preferences

1. Measures shall be taken to encourage the widest participation of the natural and legal persons of ACP States in the performance of contracts financed by the Fund in order to permit the optimisation of the physical and human resources of those States. To this end:

a) for works contracts of a value of less than EUR 5 000 000, tenderers of the ACP States, provided that at least one quarter of the capital stock and management staff originates from one or more ACP States, shall be accorded a 10% price preference where tenders of an equivalent economic, technical and administrative quality are compared;

b) for supply contracts, irrespective of the value of the supplies, tenderers of the ACP States who offer supplies of at least 50% in contract value of ACP origin, shall be accorded a 15% price preference where tenders of equivalent economic, technical and administrative quality are compared;

c) in respect of service contracts, where tenders of equivalent economic and technical quality are compared, preference shall be given to:

i) experts, institutions or consultancy companies or firms from ACP States with the required competence;

ii) offers submitted by ACP firms, either individually or in a consortium with European partners; and

iii) offers presented by European tenderers with ACP sub-contractors or experts;

d) where subcontracting is envisaged, preference shall be given by the successful tenderer to natural persons, companies and firms of ACP States capable of performing the contract required on similar terms; and

e) the ACP State may, in the invitation to tender, propose to the prospective tenderers the assistance of other ACP States' companies or firms or national experts or consultants selected by mutual agreement. This cooperation may take the form either of a joint venture, or of a subcontract or of on the job training of trainees.

2. Where two tenders are acknowledged to be equivalent on the basis of the criteria stated above, preference shall be given:

a) to the tenderer of an ACP State; or

b) if no such tender is forthcoming, to the tenderer who:

i) allows for the best possible use of the physical and human resources of the ACP States;

ii) offers the greatest subcontracting possibilities for ACP companies, firms or natural persons; or

iii) is a consortium of natural persons, companies and firms from ACP States and the Community.

ARTICLE 27 Award of contracts

1. Without prejudice to Article 24, the ACP State shall award the contract to the tenderer:

a) whose tender is found to be responsive to the tender dossier;

b) for a works or supply contract, who has offered the most advantageous tender as assessed, inter alia, on the basis of:

i) the price, the operating and maintenance costs;

ii) the qualifications of, and the guarantees offered by the tenderers, as well as the technical qualities of the

tender, including the offer of an after sales service in the ACP State; and

iii) the nature of, the conditions and the time limit for executing the contracts, and the adaptation to local conditions.

c) for a service contract who offers the most advantageous tender taking into account, inter alia, the price, the technical value of the tender, the organisation and the methodology proposed for the provision of the services as well as the competence, independence and availability of the personnel proposed.

2. Where two tenders are acknowledged to be equivalent on the basis of the criteria stated above, preference shall be given:

a) to the tenderer of an ACP State; or

b) if no such tender is forthcoming, to the tenderer who:

i) permits the best possible use of the physical and human resources of the ACP States;

ii) offers the greatest subcontracting possibilities to ACP companies, firms or natural persons; or

iii) is a consortium of natural persons, companies and firms from ACP States and the Community.

ARTICLE 28 General regulations for contracts

1. The award of contracts financed from the resources of the Fund shall be governed by this Annexe and the procedures which shall be adopted by decision of the Council of Ministers at the first meeting following the signing of this Agreement, upon the recommendation of the ACP-EC Development Finance Cooperation Committee. These procedures shall respect the provisions of this Annexe and the Community's pro-

curement rules for cooperation with third countries.

2. Pending the adoption of these procedures, the current EDF rules as contained in the current general regulations and general conditions of contracts shall apply.

ARTICLE 29 General conditions for contracts

Performance of works, supply and service contracts financed from the resources of the Fund shall be governed by:

a) the general conditions applicable to contracts financed by the Fund which shall be adopted by decision of the Council of Ministers at the first meeting following the signing of this Agreement, upon the recommendation of the ACP-EC Development Finance Cooperation Committee; or

b) in the case of co-financed projects and programmes, or where a derogation to third parties has been granted or in accelerated procedures or in other appropriate cases, such other general conditions as may be agreed by the ACP State concerned and the Community, i.e.:

i) the general conditions for contracts prescribed by the national legislation of the ACP State concerned or its established practices regarding international contracts; or

ii) any other international general conditions for contracts.

ARTICLE 30 Settlement of disputes

Any dispute arising between the authorities of an ACP State and a contractor, supplier or provider of services during the performance of a contract financed by the Fund shall:

- a) in the case of a national contract, be settled in accordance with the national legislation of the ACP State concerned; and
- b) in the case of a transnational contract be settled either :
 - i) if the Parties to the contract so agree, in accordance with the national legislation of the ACP State concerned or its established international practices; or
 - ii) by arbitration in accordance with the procedural rules which will be adopted by decision of the Council of Ministers at the first meeting following the signing of this Agreement, upon the recommendation of the ACP-EC Development Finance Cooperation Committee.

ARTICLE 31

Tax and customs arrangements

1. The ACP States shall apply to contracts financed by the Community tax and customs arrangements no less favourable than those applied by them to the most favoured States or international development organisations with which they have relations. For the purpose of determining the most-favoured-nation (MFN) treatment, account shall not be taken of arrangements applied by the ACP State concerned to other ACP States, or to other developing countries.
2. Subject to the above provisions the following shall apply to contracts financed by the Community:
 - a) the contract shall not be subject in the beneficiary ACP State to stamp or registration duties or to fiscal charges having equivalent effect, whether such charges already exist or are to be instituted in the future; however, such contracts shall be registered in accordance with the laws in force in the ACP State and a fee corresponding to the service rendered may be charged for it;
 - b) profits and/or income arising from the performance of contracts shall be taxable according to the internal fiscal arrangements of the ACP State concerned, provided that the natural or legal persons who realise such profit and/or income have a permanent place of business in that State, or that the performance of the contract takes longer than six months;
 - c) enterprises which must import professional equipment in order to carry out works contracts shall, if they so request, benefit from the system of temporary admission as laid down by the national legislation of the beneficiary ACP State in respect of the said equipment;
 - d) professional equipment necessary for carrying out tasks defined in a service contract shall be temporarily admitted into the beneficiary ACP State or States in accordance with its national legislation free of fiscal, import and customs duties and of other charges having equivalent effect where these duties and charges do not constitute remuneration for services rendered;
 - e) imports under supply contracts shall be admitted into the beneficiary ACP State without customs duties, import duties, taxes or fiscal charges having equivalent effect. The contract for supplies originating in the ACP State concerned shall be concluded on the basis of the ex-works price of the supplies to which may be added such internal fiscal charges as may be applicable to those supplies in the ACP State;
 - f) fuels, lubricants and hydrocarbon binders and, in general, all materials used in the performance of works contracts shall be deemed to have been purchased on the local market and shall be subject to fiscal rules applicable under the national legislation in force in the beneficiary ACP State; and
 - g) personal and household effects imported for use by natural persons,

other than those recruited locally, engaged in carrying out tasks defined in a service contract and members of their families, shall be exempt from customs or import duties, taxes and other fiscal charges having equivalent effect, within the limit of the national legislation in force in the beneficiary ACP State.

3. Any matter not covered by the above provisions on tax and customs arrangements shall remain subject to the national legislation of the ACP State concerned.

CHAPTER 5 MONITORING AND EVALUATION

ARTICLE 32 Objectives

The objective of monitoring and evaluation shall consist in the regular assessment of development operations (preparation, implementation and subsequent operation) with a view to improving the development effectiveness of on-going and future operations.

ARTICLE 33 Modalities

1. Without prejudice to evaluations carried out by the ACP States or the Commission, this work will be done jointly by the ACP State(s) and the Community. The ACP EC Development Finance Cooperation Committee shall ensure the joint character of the joint monitoring and evaluation operations. In order to assist the ACP-EC Development Finance Cooperation Committee, the Commission and the ACP General Secretariat shall prepare and implement the joint monitoring and evaluations and report to the Committee. The Committee shall, at its first meeting after the signature of the Agreement, fix the

operational modalities aimed at ensuring the joint character of the operations and shall, on a yearly basis, approve the work programme.

2. Monitoring and evaluation activities shall notably:

- a) provide regular and independent assessments of the Fund's operations and activities by comparing results with objectives; and thereby
- b) enable the ACP States and the Commission and the Joint Institutions, to feed the lessons of experience back into the design and execution of future policies and operations.

CHAPTER 6 FUND-RESOURCE MANAGEMENT AND EXECUTING AGENTS

ARTICLE 34 The Commission

1. The Commission shall undertake the financial execution of operations carried out with Fund resources, with the exception of the Investment Facility and interest-rate subsidies, using the following main methods of management:

- a) centralised management;
- b) decentralised management.

2. As a general rule, the financial execution of the Fund resources by the Commission shall be decentralised.

In this instance, the execution duties shall be carried out by the ACP States in accordance with Article 35.

3. In order to carry out the financial execution of the Fund resources, the

Commission shall delegate its executive powers within its own departments. The Commission shall inform the ACP States and the ACP-EC Development Finance Cooperation Committee of this delegation of tasks.

ARTICLE 35 National Authorising Officer

1. The Government of each ACP State shall appoint a National Authorising Officer to represent it in all operations financed from the Fund resources managed by the Commission and the Bank. The National Authorising Officer shall appoint one or more deputy National Authorising Officers to replace him when he is unable to carry out his duties and shall inform the Commission of this appointment. Wherever the conditions regarding institutional capacity and sound financial management are met, the National Authorising Officer may delegate his functions for implementation of the programmes and projects concerned to the body responsible within the national administration. The National Authorising Officer shall inform the Commission of any such delegation.

When the Commission becomes aware of problems in carrying out procedures relating to management of Fund resources, it shall, in conjunction with the National Authorising Officer, make all contacts necessary to remedy the situation and take any appropriate steps.

The National Authorising Officer shall assume financial responsibility only for the executive tasks entrusted to him.

Where Fund resources are managed in a decentralised way and subject to any additional powers that might be granted by the Commission, the National Authorising Officer shall:

- a) be responsible for the coordination, programming, regular monitoring and annual, mid-term and end-of-term reviews of implementation of cooperation, and for coordination with donors;
- b) in close cooperation with the Commission, be responsible for the preparation, submission and appraisal of programmes and projects;
- c) prepare tender dossiers and, where appropriate, the documents for calls for proposals;
- d) submit tender dossiers and, where appropriate, documents for calls for proposals, to the Commission for approval before launching invitations to tender and, where appropriate, calls for proposals;
- e) in close cooperation with the Commission, launch invitations to tender and, where appropriate, calls for proposals;
- f) receive tenders and, if applicable, proposals, and transmit copies of tenders to the Commission; preside over the opening of tenders and decide on the results of their examination within the period of validity of the tenders, taking account of the time required for approval of contracts;
- g) invite the Commission to the opening of tenders and, if applicable, proposals and notify the Commission of the results of the examination of tenders and proposals for approval of the proposals for the award of contracts and grants;
- h) submit contracts and programme estimates and any addenda thereto to the Commission for approval;
- i) sign the contracts and addenda thereto approved by the Commission;
- j) clear and authorise expenditure within the limits of the funds assigned to him; and

k) during the execution operations, make any adaptation arrangements necessary to ensure the proper execution of approved programmes or projects from the economic and technical viewpoint.

2. The National Authorising Officer shall, during the execution of operations and subject to the requirement to inform the Commission, decide on:

- a) technical adjustments and alterations to programmes and projects in matters of detail so long as they do not affect the technical solution adopted and remain within the limits of the reserve for adjustments provided for in the financing agreement;
- b) changes of site for multiple-unit programmes or projects where justified on technical, economic or social grounds;
- c) imposition or remission of penalties for delay;
- d) acts discharging guarantors;
- e) purchase of goods, irrespective of their origin, on the local market;
- f) use of construction equipment and machinery not originating in the Member States or ACP States provided there is no production of comparable equipment and machinery in the Member States or ACP States;
- g) subcontracting;
- h) final acceptance, provided that the Commission is present at provisional acceptance, endorses the corresponding minutes and, where appropriate, is present at the final acceptance, in particular where the extent of the reservations recorded at the provisional acceptance necessitates major additional work; and
- i) hiring of consultants and other technical assistance experts.

ARTICLE 36 Head of delegation

1. The Commission shall be represented in each ACP State or in each regional grouping which expressly so requests, by a delegation under the authority of a Head of Delegation, with the approval of the ACP State or States concerned. Appropriate measures shall be taken in any case in which a Head of Delegation is appointed to a group of ACP States. The Head of Delegation shall represent the Commission in all spheres of its competence and in all its activities.
2. The Head of Delegation shall be the main contact for ACP States and bodies or organisations eligible for financial support under the Agreement. He shall cooperate and work in close cooperation with the National Authorising Officer.
3. The Head of Delegation shall have the necessary instructions and delegated powers to facilitate and expedite all operations under the Agreement.
4. On a regular basis, the Head of Delegation shall inform the national authorities of Community activities which may directly concern cooperation between the Community and the ACP States.

ARTICLE 37 Payments

1. For the purpose of effecting payments in the national currencies of the ACP States, accounts denominated in the currencies of the Member States or in euro may be opened in the ACP States by and in the name of the Commission with a national public or semi-public financial institution chosen by agreement between the ACP State and the Commission. This institution shall exercise the functions of National Paying Agent.

ANNEXE V

TRADE REGIME APPLICABLE DURING THE PREPARATORY PERIOD REFERRED TO IN ARTICLE 37 (1)

CHAPTER 1

GENERAL TRADE ARRANGEMENTS

ARTICLE 1

Products originating in the ACP States shall be imported into the Community free of customs duties and charges having equivalent effect.

a) For products originating in the ACP States:

- listed in Annexe I to the Treaty where they come under a common organisation of the market within the meaning of Article 34 of the Treaty, or

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

the Community shall take the necessary measures to ensure more favourable treatment than that granted to third countries benefiting from the most-favoured-nation clause for the same products.

b) If, during the application of this Annexe, the ACP States request that new lines of agricultural production or agricultural products which are not the subject of specific arrangements when this Annexe enters into force should benefit from such arrangements, the Community shall examine these requests in consultation with the ACP States.

c) Notwithstanding the above, the Community shall, in the context of the

special relations and special nature of ACP-EC cooperation, examine on a case-by-case basis the requests from the ACP States for preferential access for their agricultural products to the Community market and shall notify its decision on these reasoned requests if possible within four months, and in any case not more than six months after the date of their submission.

Within the context of subparagraph (a), the Community shall take its decisions in particular with reference to concessions granted to developing third countries. It shall take account of the possibilities offered by the off-season market.

d) The arrangements referred to in subparagraph (a) shall enter into force at the same time as this Agreement and shall remain applicable for the duration of the preparatory period defined in Article 37(1) of the Agreement.

However, if during this period, the Community:

- subjects one or more products to common organization of the market or to specific rules introduced as a result of the implementation of the common agricultural policy, it shall reserve the right to adapt the import treatment for those products originating in the ACP States, following consultations within the Council of Ministers. In such cases, the provisions of subparagraph (a) shall be applicable;

- modifies the common organisation of the market in a particular product or the specific rules introduced as a result of the implementation of the common agricultural policy, it shall reserve the right to modify the arrangements laid down for products originating in the ACP States, following consultations within the Council of Ministers. In such cases the Community shall undertake to ensure that products originating in the ACP States continue to enjoy an advantage comparable to that previously

enjoyed in relation to products originating in third countries benefiting from the most-favoured-nation clause.

e) Where the Community intends to conclude a preferential agreement with third States it shall inform the ACP States thereof. Consultations shall take place where the ACP States so request in order to safeguard their interests.

ARTICLE 2

1. The Community shall not apply to imports of products originating in the ACP States any quantitative restrictions or measures having equivalent effect.

2. Paragraph 1 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security, the protection of health and life of humans, animals and plants, the protection of national treasures possessing artistic, historic or archaeological value, conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption, or the protection of industrial and commercial property.

3. Such prohibitions or restrictions shall in no case constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction of trade generally.

In cases where implementation of the measures referred to in paragraph 2 affects the interests of one or more ACP States, consultation shall be held at the request of the latter, in accordance with the provisions of Article 12 of this Agreement, with a view to reaching a satisfactory solution.

2. The National Paying Agent shall receive no remuneration for its services and no interest shall be payable by it on deposited funds. The local accounts shall be replenished by the Commission in the currency of one of the Member States or in euro, based on estimates of future cash requirements, which shall be made sufficiently in advance to avoid the need for pre-financing by ACP States and to prevent delayed disbursements.

3. [deleted]

4. **Payments shall be made by the Commission in accordance with the rules laid down by the Community and the Commission, where appropriate after the expenditure has been cleared and authorised by the National Authorising Officer.**

5. [deleted]

6. The procedures for clearance, authorisation and payment of expenditure must be completed within a period of 90 days from the date on which the payment becomes due. The National Authorising Officer shall process and deliver the payment authorisation to the Head of Delegation not later than 45 days before the due date.

7. Claims for delayed payments shall be borne by the ACP State or States concerned, and by the Commission from its own resources, for that part of the delay for which each Party is responsible in accordance with the above procedures.

8. [deleted]

ARTICLE 3

1. Where new measures or measures stipulated in programmes adopted by the Community for the approximation of laws and regulations in order to facilitate the movement of goods are likely to affect the interests of one or more ACP States, the Community shall, prior to adopting such measures, inform the ACP States thereof through the Council of Ministers.
2. In order to enable the Community to take into consideration the interests of the ACP State concerned, consultations shall be held at the request of the latter in accordance with the provisions of Article 12 of this Agreement, with a view to reaching a satisfactory solution.

ARTICLE 4

1. Where existing Community rules or regulations adopted in order to facilitate the movement of goods affect the interests of one or more ACP States or where these interests are affected by the interpretation, application or administration of such rules or regulations, consultations shall be held at the request of the ACP States concerned with a view to reaching a satisfactory solution.
2. With a view to finding a satisfactory solution, the ACP States may also bring up within the Council of Ministers any other problems relating to the movement of goods which might result from measures taken or envisaged by the Member States.
3. The relevant institutions of the Community shall, to the greatest possible extent, inform the Council of Ministers of such measures in order to ensure effective consultations.

ARTICLE 5

1. The ACP States shall not be required to assume, in respect of imports of products

originating in the Community, obligations corresponding to the commitment entered into by the Community under this Annexe in respect of imports of the products originating in the ACP States

- a) In their trade with the Community, the ACP States shall not discriminate among the Member States and shall grant to the Community treatment no less favourable than most-favoured nation treatment.
- b) The most-favoured-nation treatment referred to in subparagraph (a) shall not apply in respect of trade or economic relations between ACP States or between one or more ACP States and other developing countries.

ARTICLE 6

Each Party shall communicate its customs tariff to the Council of Ministers within three months of the entry into force of this Annexe. Each Party shall also communicate any subsequent amendments to its tariff as and when they come into force.

ARTICLE 7

1. The concept of "originating products" for the purposes of implementing this Annexe, and the methods of administrative cooperation relating thereto, are defined in Protocol 1 annexed hereto.
2. The Council of Ministers may adopt any amendment to Protocol 1.
3. Where the concept of "originating products" has not yet been defined for a given product pursuant to paragraphs 1 or 2, each Contracting Party shall continue to apply its own rules.

ARTICLE 8

1. Where any product is being imported into the Community in such increased quantities and under such conditions

as to cause or threaten to cause serious injury to its domestic producers of like or directly competitive products or serious disturbances in any sector of the economy or difficulties which could bring about serious deterioration in the economic situation of a region, the Community may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 9.

2. The Community undertakes not to use other means for protectionism purposes or to hamper structural development. The Community will refrain from using safeguard measures having the same effect.
3. Safeguard measures shall be restricted to those which would least disturb trade between the Contracting Parties in implementing the objectives of this Agreement and must not exceed the scope of what is strictly necessary to remedy the difficulties that have arisen.
4. When applied, safeguard measures shall take into account the existing level of the ACP exports concerned to the Community and their potential for development. Particular attention shall be paid to the interests of the least-developed, landlocked and island ACP States.

ARTICLE 9

1. Prior consultation shall take place concerning the application of the safeguard clause, both when such measures are first adopted and when they are extended. The Community shall provide the ACP States with all the information required for such consultations and shall provide the data from which to determine to what extent imports from an ACP State of a specific product have caused the effects referred to in Article 8(1).

2. Where consultations have taken place, safeguard measures, or arrangements jointly agreed upon by the ACP States concerned and the Community, shall enter into force thereafter.

3. However, the prior consultations provided for in paragraphs 1 and 2 shall not prevent any immediate decisions which the Community, in accordance with Article 8(1), might take where special factors have necessitated such decisions.
4. In order to facilitate the examination of factors that may cause market disturbances, a mechanism shall be instituted for the statistical surveillance of certain ACP exports to the Community.
5. The Parties undertake to hold regular consultations with a view to finding satisfactory solutions to problems which might result from the application of the safeguard clause.
6. The prior consultations as well as the regular consultations and the surveillance mechanism referred to in paragraphs 1 to 5 shall be implemented in accordance with Protocol 2 annexed hereto.

ARTICLE 10

The Council of Ministers shall, at the request of any Party concerned, consider the economic and social effects of the application of the safeguard clause.

ARTICLE 11

When safeguard measures are being taken, modified or removed, particular attention shall be paid to the interests of the least-developed, landlocked and island ACP States.

ARTICLE 12

In order to ensure the effective implementation of this Annexe, the Parties agree to inform and consult each other.

In addition to the cases for which consultations are specifically provided for in Articles 2 to 9 of this Annexe, consultations shall also take place, at the request of the Community or the ACP States, and in accordance with the conditions provided for in the procedural rules in Article 12 of this Agreement, particularly in the following cases:

- 1) where Parties intend to take any trade measures affecting the interests of one or more Parties under this Annexe, they shall inform the Council of Ministers thereof. Consultations shall take place, where the Parties concerned so request, in order to take account of their respective interests;
- 2) if, during the application of this Annexe, the ACP States consider that agricultural products covered by Article 1(2)(a) other than those subject to special treatment should benefit from such treatment, consultations may take place within the Council of Ministers;
- 3) where a Party considers that obstacles to the movement of goods arise as a result of the existing rules of another Party or the interpretation, application or administration thereof;
- 4) where the Community takes safeguard measures in accordance with the provisions of Article 8, consultations on these measures may take place within the Council of Ministers, where the Parties concerned so request, notably with a view to ensuring compliance with Article 8(3).

Such consultations must be completed within three months.

CHAPTER 2 SPECIAL UNDERTAKING ON SUGAR AND BEEF AND VEAL

ARTICLE 13

1. In accordance with Article 25 of the ACP-EEC Convention of Lomé signed on 28 February 1975 and with Protocol 3 annexed thereto, the Community has undertaken for an indefinite period, notwithstanding the other provisions of this Annexe, to purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originates in the ACP States producing and exporting cane sugar and which those States have undertaken to deliver to it.
2. The conditions for the implementation of the aforementioned Article 25 have been laid down by Protocol 3 referred to in paragraph 1. The text of the Protocol is attached to this Annexe as Protocol 3.
3. Article 8 of this Annexe shall not apply within the framework of the said Protocol.
4. For the purpose of Article 8 of the said Protocol the institutions established under this Agreement may be used during the period of application of this Agreement.
5. Article 8(2) of the said Protocol shall apply should this Agreement cease to be operative.
6. The declarations contained in Annexes XIII, XXI and XXII of the Final Act to the ACP-EEC Convention of Lomé signed on 28 February 1975 are reaffirmed and their provisions shall continue to apply. These declarations are annexed as such to Protocol 3.
7. This Article and Protocol 3 shall not apply to relations between the ACP States and the French overseas departments.

ARTICLE 14

The special undertaking on beef and veal, defined in Protocol 4 annexed hereto shall apply.

CHAPTER 3 FINAL PROVISIONS

ARTICLE 15

The Protocols attached to this Annexe shall form an integral part thereof.

PROTOCOL 1

concerning the definition of the concept of "originating products" and methods of administrative cooperation

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TITLE I GENERAL PROVISIONS

ARTICLE 1 Definitions

For the purposes of this Protocol:

- a) "manufacture" means any kind of working or processing including assembly or specific operations;
- b) "material" means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- c) "product" means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- d) "goods" means both materials and products;
- e) "customs value" means the value as determined in accordance with the 1994 Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on customs valuation);
- f) "ex-works price" means the price paid for the product ex works to the manufacturer in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported;
- g) "value of materials" means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the territory concerned;
- h) "value of originating materials" means the value of such materials as defined in subparagraph (g) applied mutatis mutandis;
- i) "added value" shall be taken to be the ex-works price minus the customs value of third country materials imported into the Community, the ACP States or the Overseas Countries and Territories;
- j) "chapters" and "headings" mean the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System, referred to in this Protocol as "the Harmonized System" or "HS";
- k) "classified" refers to the classification of a product or material under a particular heading;
- l) "consignment" means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such a document, by a single invoice;
- m) "territories" includes territorial waters.

TITLE II DEFINITION OF THE CONCEPT OF "ORIGINATING PRODUCTS"

ARTICLE 2 General requirements

1. For the purpose of implementing the trade co-operation provisions of ANNEXE V, the following products shall be considered as originating in the ACP States:

- a) products wholly obtained in the ACP States within the meaning of Article 3 of this Protocol;
 - b) products obtained in the ACP States incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the ACP States within the meaning of Article 4 of this Protocol.
2. For the purpose of implementing paragraph 1, the territories of the ACP States shall be considered as being one territory.

Originating products made up of materials wholly obtained or sufficiently worked or processed in two or more ACP States shall be considered as products originating in the ACP State where the last working or processing took place, provided the working or processing carried out there goes beyond that referred to in Article 5 of this Protocol.

ARTICLE 3 Wholly obtained products

1. The following shall be considered as wholly obtained, in the ACP States or in the Community, or in the overseas countries and territories defined in

Annexe III, hereafter referred to as the OCT:

- a) mineral products extracted from their soil or from their seabed;
 - b) vegetable products harvested there;
 - c) live animals born and raised there;
 - d) products from live animals raised there;
 - e) products obtained by hunting or fishing conducted there;
 - f) products of sea fishing and other products taken from the sea outside the territorial waters by their vessels;
 - g) products made aboard their factory ships exclusively from products referred to in subparagraph (f);
 - h) used articles collected there fit only for the recovery of raw materials, including used tyres fit only for retreading or for use as waste;
 - i) waste and scrap resulting from manufacturing operations conducted there;
 - j) products extracted from marine soil or subsoil outside their territorial waters provided that they have sole rights to work that soil or subsoil;
 - k) goods produced there exclusively from the products specified in subparagraphs (a) to (j).
2. The terms "their vessels" and "their factory ships" in paragraph 1(f) and (g) shall apply only to vessels and factory ships:
- a) which are registered or recorded in an EC Member State, in an ACP State or in an OCT;
 - b) which sail under the flag of an EC Member State, of an ACP State or of an OCT;
 - c) which are owned to an extent of at least 50% by nationals of States party to the

Agreement, or of an OCT, or by a company with its head office in one of these States or OCT, of which the Chairman of the Board of Directors or the Supervisory Board, and the majority of the members of such boards are nationals of States party to the Agreement, or of an OCT, and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to those States party to the Agreement or to public bodies or nationals of the said States, or of an OCT;

d) of which at least 50% of the crew, master and officers included, are nationals of States party to the Agreement, or of an OCT.

3. Notwithstanding the provisions of paragraph 2, the Community shall recognise, upon request of an ACP State, that vessels chartered or leased by the ACP State be treated as "their vessels" to undertake fisheries activities in its exclusive economic zone under the following conditions:

- that the ACP State offered the Community the opportunity to negotiate a fisheries agreement and the Community did not accept this offer;

- that at least 50% of the crew, master and officers included are nationals of States party to the Agreement, or of an OCT;

- that the charter or lease contract has been accepted by the ACP-EC Customs Cooperation Committee as providing adequate opportunities for developing the capacity of the ACP State to fish on its own account and in particular as conferring on the ACP State the responsibility for the nautical and commercial management of the vessel placed at its disposal for a significant period of time.

ARTICLE 4 Sufficiently worked or processed products

1. For the purposes of this Protocol, products which are not wholly obtained are considered to be sufficiently worked or processed in the ACP States, or in the Community or in the OCT, when the conditions set out in the list in Annex II are fulfilled.

The conditions referred to above indicate, for all products covered by this Agreement, the working or processing which must be carried out on non-originating materials used in manufacturing and apply only in relation to such materials. Accordingly, it follows that if a product, which has acquired originating status by fulfilling the conditions set out in the list is used in the manufacture of another product, the conditions applicable to the product in which it is incorporated do not apply to it, and no account shall be taken of the non-originating materials which may have been used in its manufacture.

2. Notwithstanding paragraph 1, non-originating materials which, according to the conditions set out in the list, should not be used in the manufacture of a given product may nevertheless be used, provided that:

a) their total value does not exceed 15% of the ex-works price of the product;

b) any of the percentages given in the list for the maximum value of non-originating materials are not exceeded through the application of this paragraph.

3. Paragraphs 1 and 2 shall apply except as provided in Article 5.

ARTICLE 5 Insufficient working or processing operations

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 4 are satisfied:

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

b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;

c) i) changes of packaging and breaking up and assembly of packages;

ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards, etc., and all other simple packaging operations;

d) affixing marks, labels and other like distinguishing signs on products or their packaging;

e) simple mixing of products, whether or not of different kinds, where one or more components of the mixtures do not meet the conditions laid down in this Protocol to enable them to be considered as originating in an ACP State, in the Community or in the OCT;

f) simple assembly of parts to constitute a complete product;

g) a combination of two or more operations specified in subparagraphs (a) to (f);

h) slaughter of animals.

2. All the operations carried out in either the ACP States, the Community or the OCT on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

ARTICLE 6 Cumulation of origin

Cumulation with the OCT and the Community

1. Materials originating in the Community or in the OCT shall be considered as materials originating in the ACP States when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing, provided they have undergone working or processing going beyond that referred to in Article 5.

2. Working and processing carried out in the Community or in the OCT shall be considered as having been carried out in the ACP States, when the materials undergo subsequent working or processing in the ACP States

Cumulation with South Africa

3. Subject to the provisions of paragraphs 4, 5, 6, 7 and 8, materials originating in South Africa shall be considered as originating in the ACP States when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing.

4. Products which have acquired originating status by virtue of paragraph 3 shall only continue to be considered as products originating in the ACP States when the value added there exceeds the value of the materials used originating in South Africa. If this is not so, the products concerned shall be considered as originating in South Africa. In

the allocation of origin, no account shall be taken of materials originating in South Africa which have undergone sufficient working or processing in the ACP States.

5. The cumulation provided for in paragraph 3 may only be applied after 3 years for the products listed in Annexe XI and 6 years for the products listed in Annexe XII respectively, as from the provisional application of the Agreement on Trade, Development and Co-operation between the European Community and the Republic of South Africa. The cumulation provided for in paragraph 3 shall not be applicable to the products listed in Annexe XIII.
6. Notwithstanding paragraph 5, the cumulation provided for in paragraph 3 may be applied at the request of the ACP States for the products listed in Annexes XI and XII. The ACP-EC Committee of Ambassadors shall decide on the ACP requests, product per product, on the basis of a report drawn up by the ACP-EC Customs Co-operation Committee in accordance with Article 37. In the examination of requests, account shall be taken of the risk of the circumvention of the trade provisions of the Agreement on Trade, Development and Co-operation between the European Community and the Republic of South Africa.
7. The cumulation provided for in paragraph 3 shall only be applicable to the products listed in Annexe XIV when the tariffs on these products in the framework of the Agreement on Trade, Development and Co-operation between the European Community and the Republic of South Africa have been eliminated. The European Commission shall publish in the Official Journal of the European Communities (C series) the date on which the conditions of this paragraph have been fulfilled.
8. The cumulation provided for in paragraph 3 may only be applied where the South African materials used have

acquired the status of originating products by an application of the rules of origin identical to those set out in this Protocol. The ACP States shall provide the Community with details of agreements and their corresponding rules of origin which have been concluded with South Africa. The European Commission shall publish in *the Official Journal of the Europea Communities* (C series) the date on which the ACP States have met the obligations laid down in this paragraph.

9. Without prejudice to paragraphs 5 and 7, working and processing carried out in South Africa shall be considered as having been carried out in an other Member State of the South African Customs Union (SACU) when the materials undergo subsequent working or processing in that other Member State of SACU.
10. Without prejudice to paragraphs 5 and 7 and at the request of the ACP States, working and processing carried out in South Africa, shall be considered as having been carried out in the ACP States, when the materials undergo subsequent working or processing in an ACP State within the context of a regional economic integration agreement.

Unless there is a specific request by either party for a referral of the decision to the ACP-EC Council of Ministers, the ACP-EC Customs Cooperation Committee shall decide on the ACP requests in accordance with Article 37.

Cumulation with neighbouring developing countries

11. At the request of the ACP States, materials originating in a neighbouring developing country, other than an ACP State, belonging to a coherent geographical entity, shall be considered as materials originating in the ACP States when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing, provided that :

- the working or processing carried out in the ACP State exceeds the operations listed in Article 5. However, products of Chapter 50 to 63 of the Harmonised System shall in addition undergo in the ACP State at least working or processing as a result of which the product obtained is classified in a heading which is different from those in which the material originating in the non-ACP developing country used in its manufacture, are classified. For products listed in Annexe IX to this Protocol, only the specific processing referred to in column 3 shall apply, whether or not it involves a change of heading,

- the ACP States, the Community and the other countries concerned have concluded an agreement on adequate administrative procedures which will ensure correct implementation of this paragraph.

This paragraph shall not apply to tuna products classified under Harmonised System Chapters 3 or 16, rice products of HS Code 1006 or the textile products listed in Annexe X to this Protocol.

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

Unless there is a specific request by either party for a referral of the decision to the ACP-EC Council of Ministers, the ACP-EC Customs Cooperation Committee shall decide on the ACP requests in accordance with Article 37.

ARTICLE 7 Unit of qualification

1. The unit of qualification for the application of the provisions of this Protocol shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the Harmonized System.

Accordingly, it follows that:

- when a product composed of a group or assembly of articles is classified under the terms of the Harmonized System in a single heading, the whole constitutes the unit of qualification;
 - when a consignment consists of a number of identical products classified under the same heading of the Harmonized System, each product must be taken individually when applying the provisions of this Protocol.
2. Where, under General Rule 5 of the Harmonized System, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

ARTICLE 8 Accessories, spare parts and tools

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

ARTICLE 9 Sets

Sets, as defined in General Rule 3 of the Harmonized System, shall be regarded as originating when all component products are originating. Nevertheless, when a set is composed of originating and non-originating products, the set as a whole shall be regarded as originating, provided that the value of the non-originating products does not exceed 15 per cent of the ex-works price of the set.

ARTICLE 10 Neutral elements

In order to determine whether a product originates, it shall not be necessary to

determine the origin of the following which might be used in its manufacture:

- a) energy and fuel;
- b) plant and equipment;
- c) machines and tools;
- d) goods which do not enter and which are not intended to enter into the final composition of the product.

TITLE III TERRITORIAL REQUIREMENTS

ARTICLE 11 Principle of territoriality

1. The conditions set out in Title II relative to the acquisition of originating status must be fulfilled without interruption in the ACP States, except as provided for in Article 6.
2. If originating goods exported from the ACP States, the Community or the OCT to another country are returned, except insofar as provided for in Article 6, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:
 - a) the goods returned are the same goods as those exported; and
 - b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

ARTICLE 12 Direct transport

1. The preferential treatment provided for under the trade co-operation provi-

sions of ANNEXE V applies only to products, satisfying the requirements of this Protocol, which are transported directly between the territory of the ACP States, of the Community, of the OCT or of South Africa for the purposes of Article 6 without entering any other territory. However, products constituting one single consignment may be transported through other territories with, should the occasion arise, transshipment or temporary warehousing in such territories, provided that they remain under the surveillance of the customs authorities in the country of transit or warehousing and do not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition.

Originating products may be transported by pipeline across territory other than that of an ACP State, of the Community or of an OCT.

2. Evidence that the conditions set out in paragraph 1 have been fulfilled shall be supplied to the customs authorities of the importing country by the production of:
 - a) a single transport document covering the passage from the exporting country through the country of transit; or
 - b) a certificate issued by the customs authorities of the country of transit:
 - i) giving an exact description of the products;
 - ii) stating the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used; and
 - iii) certifying the conditions under which the products remained in the transit country; or
 - c) failing these, any substantiating documents.

ARTICLE 13 Exhibitions

1. Originating products, sent from an ACP State for exhibition in a country other than those referred to in Article 6 and sold after the exhibition for importation into the Community shall benefit on importation from the provisions of ANNEXE V provided it is shown to the satisfaction of the customs authorities that:
 - a) an exporter has consigned these products from an ACP State to the country in which the exhibition is held and has exhibited them there;
 - b) the products have been sold or otherwise disposed of by that exporter to a person in the Community;
 - c) the products have been consigned during the exhibition or immediately thereafter in the state in which they were sent for exhibition; and
 - d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.
2. A proof of origin must be issued or made out in accordance with the provisions of Title IV and submitted to the customs authorities of the importing country in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the conditions under which they have been exhibited may be required.
3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

TITLE IV PROOF OF ORIGIN

ARTICLE 14 General requirements

1. Products originating in the ACP States shall, on importation into the Community benefit from ANNEXE V upon submission of either:
 - a) a movement certificate EUR.1, a specimen of which appears in Annex IV; or
 - b) in the cases specified in Article 19(1), a declaration, the text of which appears in Annex V to this Protocol, given by the exporter on an invoice, a delivery note or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified (hereinafter referred to as the "invoice declaration").
2. Notwithstanding paragraph 1, originating products within the meaning of this Protocol shall in the cases specified in Article 25, benefit from ANNEXE V without it being necessary to submit any of the documents referred to above.

ARTICLE 15

Procedure for the issue of a movement certificate EUR.1

1. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting country on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative.
2. For this purpose, the exporter or his authorized representative shall fill out both the movement certificate EUR.1 and the application form, specimens of which appear in Annexe IV. These forms shall be completed in accordance with the provisions of this Protocol. If they are handwritten, they shall be completed in ink in printed characters. The description of the products must be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.
3. The exporter applying for the issue of a movement certificate EUR.1 shall be prepared to submit at any time, at the request of the customs authorities of the exporting ACP State where the movement certificate EUR.1 is issued, all appropriate documents proving the originating status of the products concerned as well as the fulfillment of the other requirements of this Protocol.
4. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting ACP State if the products concerned can be considered as products originating in the ACP States or in one of the other countries referred to in Article 6 and fulfil the other requirements of this Protocol.
5. The issuing customs authorities shall take any steps necessary to verify the originating status of the products and the fulfillment of the other requirements of this Protocol. For this purpose, they shall

have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate. The issuing customs authorities shall also ensure that the forms referred to in paragraph 2 are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.

6. The date of issue of the movement certificate EUR.1 shall be indicated in Box 11 of the certificate.
7. A movement certificate EUR.1 shall be issued by the customs authorities and made available to the exporter as soon as actual exportation has been effected or ensured.

ARTICLE 16

Movement certificates EUR.1 issued retrospectively

1. Notwithstanding Article 15(7), a movement certificate EUR.1 may exceptionally be issued after exportation of the products to which it relates if:
 - a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
 - b) it is demonstrated to the satisfaction of the customs authorities that a movement certificate EUR.1 was issued but was not accepted at importation for technical reasons.
2. For the implementation of paragraph 1, the exporter must indicate in his application the place and date of exportation of the products to which the movement certificate EUR.1 relates, and state the reasons for his request.
3. The customs authorities may issue a movement certificate EUR.1 retrospectively only after verifying that the information supplied in the exporter's appli-

cation agrees with that in the corresponding file.

4. Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

“NACHTRÄGLICH AUSGESTELLT”,
“DÉLIVRÉ A POSTERIORI”,
“RILASCIATO A POSTERIORI”,
“AFGEGEVEN A POSTERIORI”,
“ISSUED RETROSPECTIVELY”,
“UDSTEDT EFTERFØLGENDE”,
“ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ”,
“EXPEDIDO A POSTERIORI”,
“EMITIDO A POSTERIORI”,
“ANNETTU JÄLKIKÄTEEN”,
“UTFÄRDAT I EFTERHAND”.
5. The endorsement referred to in paragraph 4 shall be inserted in the "Remarks" box of the movement certificate EUR.1.

ARTICLE 17

Issue of a duplicate movement certificate EUR.1

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

“DUPLIKAT”, “DUPLICATA”, “DUPLICATO”,
“DUPLICAAT”, “DUPLICATE”,
“ΑΝΤΙΓΡΑΦΟ”, “DUPLICADO”,
“SEGUNDA VIA”, “KAKSOISKAPPALE”
3. The endorsement referred to in paragraph 2 shall be inserted in the "Remarks" box of the duplicate movement certificate EUR.1.
4. The duplicate, which must bear the date of issue of the original movement certificate EUR.1, shall take effect as from that date.

ARTICLE 18

Issue of movement certificates EUR.1 on the basis of a proof of origin issued or made out previously

When originating products are placed under the control of a customs office in an ACP State or in the Community, it shall be possible to replace the original proof of origin by one or more movement certificates EUR.1 for the purpose of sending all or some of these products elsewhere within the ACP States or within the Community. The replacement movement certificate(s) EUR.1 shall be issued by the customs office under whose control the products are placed.

ARTICLE 19

Conditions for making out an invoice declaration

1. An invoice declaration as referred to in Article 14(1)(b) may be made out:
 - a) by an approved exporter within the meaning of Article 20, or
 - b) by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed EUR 6 000.
2. An invoice declaration may be made out if the products concerned can be considered as products originating in the ACP States or in one of the other countries referred to in Article 6 and fulfil the other requirements of this Protocol.
3. The exporter making out an invoice declaration shall be prepared to submit at any time, at the request of the customs authorities of the exporting country, all appropriate documents proving the originating status of the products concerned as well as the fulfillment of the other requirements of this Protocol.
4. An invoice declaration shall be made out by the exporter by typing, stamping or printing on the invoice, the delivery note or another commercial document,

the declaration, the text of which appears in Annexe V to this Protocol, using one of the linguistic versions set out in that Annexe and in accordance with the provisions of the domestic law of the exporting country. If the declaration is handwritten, it shall be written in ink in printed characters.

5. Invoice declarations shall bear the original signature of the exporter in manuscript. However, an approved exporter within the meaning of Article 20 shall not be required to sign such declarations provided that he gives the customs authorities of the exporting country a written undertaking that he accepts full responsibility for any invoice declaration which identifies him as if it had been signed in manuscript by him.

6. An invoice declaration may be made out by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing country no longer than two years after the importation of the products to which it relates.

ARTICLE 20 **Approved exporter**

1. The customs authorities of the exporting country may authorize any exporter who makes frequent shipments of products under the trade co-operation provisions of ANNEXE V to make out invoice declarations irrespective of the value of the products concerned. An exporter seeking such authorization must offer to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the products as well as the fulfillment of the other requirements of this Protocol.

2. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate.

3. The customs authorities shall grant to the approved exporter a customs authorization number which shall appear on the invoice declaration.

4. The customs authorities shall monitor the use of the authorisation by the approved exporter.

5. The customs authorities may withdraw the authorization at any time. They shall do so where the approved exporter no longer offers the guarantees referred to in paragraph 1, does not fulfil the conditions referred to in paragraph 2 or otherwise makes an incorrect use of the authorization.

ARTICLE 21 **Validity of proof of origin**

1. A proof of origin shall be valid for ten months from the date of issue in the exporting country, and must be submitted within the said period to the customs authorities of the importing country.

2. Proofs of origin which are submitted to the customs authorities of the importing country after the final date for presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit these documents by the final date set is due to exceptional circumstances.

3. In other cases of belated presentation, the customs authorities of the importing country may accept the proofs of origin where the products have been submitted before the said final date.

ARTICLE 22 **Transit procedure**

When the products enter an ACP State or OCT other than the country of origin, a further period of validity of 4 months shall begin on the date on which the customs

authorities in the country of transit enter the following in box 7 of the certificate EUR.1:

- the word "transit",
- the name of the country of transit,
- the official stamp, a specimen of which had been made available to the Commission, in conformity with Article 31,
- date of the endorsements.

ARTICLE 23 **Submission of proof of origin**

Proofs of origin shall be submitted to the customs authorities of the importing country in accordance with the procedures applicable in that country. The said authorities may require a translation of a proof of origin and may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the implementation of ANNEXE V.

ARTICLE 24 **Importation by installments**

Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing country, dismantled or non-assembled products within the meaning of General Rule 2(a) of the Harmonized System falling within Sections XVI and XVII or heading Nos 7308 and 9406 of the Harmonized System are imported by installments, a single proof of origin for such products shall be submitted to the customs authorities upon importation of the first installment.

ARTICLE 25 **Exemptions from proof of origin**

1. Products sent as small packages from private persons to private persons or

forming part of travellers" personal luggage shall be admitted as originating products without requiring the submission of a proof of origin, provided that such products are not imported by way of trade and have been declared as meeting the requirements of this Protocol and where there is no doubt as to the veracity of such a declaration. In the case of products sent by post, this declaration can be made on the customs declaration CN22/CN23 or on a sheet of paper annexed to that document.

2. Imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.

3. Furthermore, the total value of these products shall not exceed EUR 500 in the case of small packages or EUR 1 200 in the case of products forming part of travellers" personal luggage.

ARTICLE 26 **Information procedure for cumulation purposes**

1. When Articles 2(2) and 6(1) are applied, the evidence of originating status within the meaning of this protocol of the materials coming from the other ACP States, the Community or the OCT shall be given by a movement certificate EUR 1 or by the supplier's declaration, a specimen of which appears in Annexe VI A to this Protocol, given by the exporter in the State or OCT from which the materials came.

2. When Articles 2(2), 6(2) and 6(9) are applied, the evidence of the working or processing carried out in the other ACP States, the Community, the OCT or South Africa shall be given by the supplier's declaration a specimen of which

appears in Annexe VI B to this Protocol, given by the exporter in the State or OCT from which the materials came.

3. A separate supplier's declaration shall be given by the supplier for each consignment of material on the commercial invoice related to that shipment or in an annexe to that invoice, or on a delivery note or other commercial document related to that shipment which describes the materials concerned in sufficient detail to enable them to be identified.
4. The supplier's declaration may be made out on a pre-printed form.
5. The suppliers' declarations shall be signed in manuscript. However, where the invoice and the supplier's declaration are established using electronic data-processing methods, the supplier's declaration need not be signed in manuscript provided the responsible official in the supplying company is identified to the satisfaction of the customs authorities in the State where the suppliers' declarations are established. The said customs authorities may lay down conditions for the implementation of this paragraph.
6. The supplier's declarations are submitted to the competent customs office in the exporting ACP State requested to issue the movement certificate EUR 1.
7. Suppliers' declarations made and information certificates issued before the date of entry into force of this Protocol in accordance with Article 23 of Protocol 1 to the Fourth ACP-EC Convention shall remain valid.

ARTICLE 27

Supporting documents

The documents referred to in Articles 15(3) and 19(3) used for the purpose of proving that products covered by a movement certificate EUR.1 or an invoice dec-

laration can be considered as products originating in an ACP State or in one of the other countries referred to in Article 6 and fulfil the other requirements of this Protocol may consist inter alia of the following:

- a) direct evidence of the processes carried out by the exporter or supplier to obtain the goods concerned, contained for example in his accounts or internal bookkeeping;
- b) documents proving the originating status of materials used, issued or made out in an ACP State or in one of the other countries referred to in Article 6 where these documents are used in accordance with domestic law;
- c) documents proving the working or processing of materials in the ACP States, in the Community or in the OCT, issued or made out in an ACP State, in the Community or in an OCT, where these documents are used in accordance with domestic law;
- d) movement certificates EUR.1 or invoice declarations proving the originating status of materials used, issued or made out in the ACP States or in one of the other countries referred to in Article 6 and in accordance with this Protocol.

ARTICLE 28

Preservation of proof of origin and supporting documents

1. The exporter applying for the issue of a movement certificate EUR.1 shall keep for at least three years the documents referred to in Article 15(3).
2. The exporter making out an invoice declaration shall keep for at least three years a copy of this invoice declaration as well as the documents referred to in Article 19(3).
3. The customs authorities of the exporting country issuing a movement certificate EUR.1 shall keep for at least three years the application form referred to in Article 15(2).

4. The customs authorities of the importing country shall keep for at least three years the movement certificates EUR.1 and the invoice declarations submitted to them.

ARTICLE 29

Discrepancies and formal errors

1. The discovery of slight discrepancies between the statements made in the proof of origin and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not ipso facto render the proof of origin null and void if it is duly established that this document does correspond to the products submitted.
2. Obvious formal errors such as typing errors on a proof of origin should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in this document.

ARTICLE 30

Amounts expressed in euro

1. The amounts to be used in any given national currency of a Member State shall be the equivalent in that national currency of the amounts expressed in euro as at the first working day in October 1999.
2. The amounts expressed in euro and their equivalents in the national currencies of some EC Member States may be reviewed by the Community if necessary and shall be notified by the Community to the Customs Cooperation Committee not later than one month before they shall come into force. When carrying out this review, the Community shall ensure that there will be no decrease in the amounts to be used in any national currency and shall furthermore consider the desirability of preserving the effects of the limits concerned in real terms. For

this purpose, it may decide to modify the amounts expressed in euro.

3. When the products are invoiced in the currency of another EC Member State, the importing country shall recognize the amount notified by the Member State concerned.

TITLE V ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

ARTICLE 31 Mutual assistance

1. The ACP States shall send to the Commission specimens of the stamps used together with the addresses of the customs authorities competent to issue movement certificates EUR.1 and carry out the subsequent verification of movement certificates EUR.1 and invoice declarations.

Movement certificates EUR.1 and invoice declarations shall be accepted for the purpose of applying preferential treatment from the date the information is received by the Commission.

The Commission shall send this information to the customs authorities of the Member States.

2. In order to ensure the proper application of this Protocol, the Community, the OCT, the ACP States shall assist each other, through the competent customs administrations, in checking the authenticity of the movement certificates EUR.1, the invoice declarations or supplier's declarations and the correctness of the information given in these documents.

The authorities consulted shall furnish the relevant information concerning the conditions under which the product has been made, indicating especially the conditions in which the rules of origin have been respected in the various ACP States, Member States, OCT concerned.

ARTICLE 32 Verification of proofs of origin

1. Subsequent verifications of proofs of origin shall be carried out at random or whenever the customs authorities of the importing country have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Protocol.
2. For the purposes of implementing the provisions of paragraph 1, the customs authorities of the importing country shall return the movement certificate EUR.1 and the invoice, if it has been submitted, the invoice declaration, or a copy of these documents, to the customs authorities of the exporting country giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the proof or origin is incorrect shall be forwarded in support of the request for verification.
3. The verification shall be carried out by the customs authorities of the exporting country. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.
4. If the customs authorities of the importing country decide to suspend the granting of preferential treatment to the products concerned while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.
5. The customs authorities requesting the verification shall be informed of the results of this verification as soon as possible. These results must indicate clearly whether the documents are authentic and whether the products concerned can be considered as products originating in the ACP States or in

one of the countries referred to in Article 6 and fulfil the other requirements of this Protocol.

6. If in cases of reasonable doubt there is no reply within ten months of the date of the verification request or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting customs authorities shall, except in exceptional circumstances, refuse entitlement to the preferences.
7. Where the verification procedure or any other available information appears to indicate that the provisions of this Protocol are being contravened, the ACP State on its own initiative or at the request of the Community shall carry out appropriate enquiries or arrange for such enquiries to be carried out with due urgency to identify and prevent such contraventions and for this purpose the ACP State concerned may invite the participation of the Community in these enquiries.

ARTICLE 33 Verification of suppliers' declarations

1. Verification of suppliers' declaration may be carried out at random or whenever the customs authorities of the importing State have reasonable doubts as to the authenticity of the document or the accuracy or completeness of the information concerning the true origin of the materials in question.
2. The customs authorities to which a supplier's declaration is submitted may request the customs authorities of the State where the declaration was made to issue an information certificate, a specimen of which appears in Annexe VII to this Protocol. Alternatively, the customs authorities to which a supplier's declaration is submitted may request the exporter to produce an information certificate issued by the customs authorities of the State where the declaration was made.

A copy of the information certificate shall be preserved by the office which has issued it for at least three years.

3. The requesting customs authorities shall be informed of the results of the verification as soon as possible. The results must be such as to indicate positively whether the declaration concerning the status of the materials is correct.
4. For the purpose of verification, suppliers shall keep for not less than three years a copy of the document containing the declaration together with all necessary evidence showing the true status of the materials.
5. The customs authorities in the State where the supplier's declaration is established shall have the right to call for any evidence or to carry out any check which they consider appropriate in order to verify the correctness of any supplier's declaration.
6. Any movement certificate EUR.1 or invoice declaration issued or made out on the basis of an incorrect supplier's declaration shall be considered null and void.

ARTICLE 34 Dispute settlement

Where disputes arise in relation to the verification procedures of Articles 32 and 33 which cannot be settled between the customs authorities requesting a verification and the customs authorities responsible for carrying out this verification or where they raise a question as to the interpretation of this Protocol, they shall be submitted to the Customs Cooperation Committee.

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

ARTICLE 35

Penalties

Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining a preferential treatment for products.

ARTICLE 36

Free zones

1. The ACP States shall take all necessary steps to ensure that products traded under cover of a proof of origin or a supplier's declaration and which in the course of transport use a free zone situated in their territory, are not substituted by other goods and do not undergo handling other than normal operations designed to prevent their deterioration.
2. By means of an exemption to the provisions contained in paragraph 1, when originating products are imported into a free zone under cover of a proof of origin and undergo treatment or processing, the authorities concerned shall issue a new EUR.1 certificate at the exporter's request, if the treatment or processing undergone is in conformity with the provisions of this Protocol.

ARTICLE 37

Customs Cooperation Committee

1. A Customs Cooperation Committee, hereinafter referred to as "the Committee", shall be set up and charged with carrying out administrative cooperation with a view to the correct and uniform application of this Protocol and with carrying out any other task in the customs field which may be entrusted to it.
2. The Committee shall examine regularly the effect on the ACP States and in particular on the least developed ACP States of application of the rules of origin and shall recommend to the Council of Ministers appropriate measures.

3. The Committee shall take decisions on cumulation under the conditions laid down in Article 6.
4. The Committee shall take decisions on derogations from this Protocol, under the conditions laid down in Article 38.
5. The Committee shall meet regularly, in particular to prepare the decisions of the Council of Ministers pursuant to Article 40.
6. The Committee shall be composed on the one hand of experts from the Member States and of Commission officials responsible for customs questions, and on the other hand of experts representing the ACP States and of officials of regional groupings of the ACP States who are responsible for customs questions. The Committee may call upon appropriate expertise where necessary.

ARTICLE 38

Derogations

1. Derogations from this Protocol may be adopted by the Committee where the development of existing industries or the creation of new industries justifies them.

The ACP State or States concerned shall, either before or when the ACP States submit the matter to the Committee, notify the Community of its request for a derogation together with the reasons for the request in accordance with paragraph 2.

The Community shall respond positively to all the ACP requests which are duly justified in conformity with this Article and which cannot cause serious injury to an established Community industry.
2. In order to facilitate the examination by the Committee of requests for derogation, the ACP State making the request shall, by means of the form given in Annex VIII to this Protocol, furnish in support of its request the fullest possible

information covering in particular the points listed below:

- description of the finished product,
- nature and quantity of materials originating in a third country,
- nature and quantity of materials originating in ACP States, the Community or the OCT, or which have been processed there,
- manufacturing processes,
- value added,
- number of employees in the enterprise concerned,
- anticipated volume of exports to the Community,
- other possible sources of supply for raw materials
- reasons for the duration requested in the light of efforts made to find new sources of supply,
- other observations.

The same rules shall apply to any requests for extension.

The Committee may modify the form.

3. The examination of requests shall in particular take into account:
 - a) the level of development or the geographical situation of the ACP State or States concerned;
 - b) cases where the application of the existing rules of origin would significantly affect the ability of an existing industry in an ACP State to continue its exports to the Community, with particular reference to cases where this could lead to cessation of its activities;

- c) specific cases where it can be clearly demonstrated that significant investment in an industry could be deterred by the rules of origin and where a derogation favouring the realisation of the investment programme would enable these rules to be satisfied by stages.
4. In every case an examination shall be made to ascertain whether the rules relating to cumulation of origin do not provide a solution to the problem.
 5. In addition when a request for derogation concerns a least-developed or an island ACP its examination shall be carried out with a favourable bias having particular regard to:
 - a) the economic and social impact of the decision to be taken especially in respect of employment;
 - b) the need to apply the derogation for a period taking into account the particular situation of the ACP State concerned and its difficulties.
 6. In the examination of requests, special account shall be taken, case by case, of the possibility of conferring originating status on products which include in their composition materials originating in neighbouring developing countries, least-developed countries or developing countries with which one or more ACP States have special relations, provided that satisfactory administrative cooperation can be established.
 7. Without prejudice to paragraphs 1 to 6, the derogation shall be granted where the value added to the non-originating products used in the ACP State or States concerned is at least 45% of the value of the finished product, provided that the derogation is not such as to cause serious injury to an economic sector of the Community or of one or more Member States.

8. Notwithstanding paragraphs 1 to 7, derogations concerning canned tuna and tuna loins shall only be granted within an annual quota of 8 000 tonnes for canned tuna and within an annual quota of 2 000 tonnes for tuna loins.

Applications for such derogations shall be submitted by the ACP States in accordance with the abovementioned quota to the Committee, which shall grant them automatically and put them into force by means of a decision.

9. The Committee shall take steps necessary to ensure that a decision is reached as quickly as possible and in any case not later than seventy-five working days after the request is received by the EC Co-chairman of the Committee. If the Community does not inform the ACP States of its position on the request within this period, the request shall be deemed to have been accepted. In the event of a decision not being taken by the Committee, the Committee of Ambassadors shall be called upon to decide within one month of the date on which the matter is referred to it.

10. a) The derogation shall be valid for a period, generally of five years, to be determined by the Committee.

b) The derogation decision may provide for renewals without a new decision of the Committee being necessary, provided that the ACP State or States concerned submit, three months before the end of each period, proof that they are still unable to meet the conditions of this Protocol which have been derogated from.

If any objection is made to the extension, the Committee shall examine it as soon as possible and decide whether to prolong the derogation. The Committee shall proceed as provided for in paragraph 9. All necessary measures shall be taken to avoid interruptions in the application of the derogation.

c) In the periods referred to in subparagraphs (a) and (b), the Committee may review the terms for implementing the derogation should a significant change be found to have taken place in the substantive factors governing the decision to grant the derogation. On conclusion of its review the Committee may decide to amend the terms of its decision as regards the scope of derogation or any other condition previously laid down.

TITLE VI CEUTA AND MELILLA

ARTICLE 39 Special conditions

1. The term "Community" used in this Protocol shall not cover Ceuta and Melilla. The term "products originating in the Community" shall not cover products originating in Ceuta and Melilla.
2. The provisions of this Protocol shall apply *mutatis mutandis* in determining whether products may be deemed as originating in the ACP States when imported into Ceuta and Melilla.
3. Where products wholly obtained in Ceuta, Melilla, the OCT or the Community undergo working and processing in the ACP States, they shall be considered as having been wholly obtained in the ACP States.
4. Working or processing carried out in Ceuta, Melilla, the OCT or the Community shall be considered as having been carried out in the ACP States, when materials undergo further working or processing in the ACP States.
5. For the purpose of implementing paragraphs 3 and 4, the insufficient operations listed in Article 5 shall not be considered as working or processing.
6. Ceuta and Melilla shall be considered as a single territory.

TITLE VII FINAL PROVISIONS

ARTICLE 40 Revision of rules of origin

In accordance with Article 7 of ANNEXE V, the Council of Ministers shall examine annually, or whenever the ACP States or the Community so request, the application of the provisions of this Protocol and their economic effects with a view to making any necessary amendments or adaptations.

The Council of Ministers shall take into account among other elements the effects on the rules of origin of technological developments.

The decisions taken shall be implemented as soon as possible.

ARTICLE 41 Annexes

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

ARTICLE 42 Implementation of the Protocol

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

ANNEXE I TO PROTOCOL 1

Introductory notes to the list in Annexe II

Note 1:

The list sets out the conditions required for all products to be considered as sufficiently worked or processed within the meaning of Article 4 of the Protocol.

Note 2:

1. first two columns in the list describe the product obtained. The first column gives the heading number or chapter number used in the Harmonized System and the second column gives the description of goods used in that system for that heading or chapter. For each entry in the first two columns a rule is specified in columns 3 or 4. Where, in some cases, the entry in the first column is preceded by an "ex", this signifies that the rules in columns 3 or 4 apply only to the part of that heading as described in column 2.
2. Where several heading numbers are grouped together in column 1 or a chapter number is given and the description of products in column 2 is therefore given in general terms, the adjacent rules in columns 3 or 4 apply to all products which, under the Harmonized System, are classified in headings of the chapter or in any of the headings grouped together in column 1.
3. Where there are different rules in the list applying to different products within a heading, each indent contains the description of that part of the heading covered by the adjacent rules in columns 3 or 4.
4. Where, for an entry in the first two columns, a rule is specified in both

columns 3 and 4, the exporter may opt, as an alternative, to apply either the rule set out in column 3 or that set out in column 4. If no origin rule is given in column 4, the rule set out in column 3 has to be applied.

Note 3:

1. The provisions of Article 4 of the Protocol concerning products having acquired originating status which are used in the manufacture of other products apply regardless of whether this status has been acquired inside the factory where these products are used or in another factory in the Community or in the ACP States.

Example:

An engine of heading No 8407, for which the rule states that the value of the non-originating materials which may be incorporated may not exceed 40 per cent of the ex-works price, is made from "other alloy steel roughly shaped by forging" of heading No ex 7224.

If this forging has been forged in the Community from a non-originating ingot, it has already acquired originating status by virtue of the rule for heading No ex 7224 in the list. The forging can then count as originating in the value calculation for the engine regardless of whether it was produced in the same factory or in another factory in the Community. The value of the non-originating ingot is thus not taken into account when adding up the value of the non-originating materials used.

2. The rule in the list represents the minimum amount of working or processing required and the carrying out of more working or processing also confers originating status; conversely, the carrying out of less working or processing cannot confer originating status. Thus if a rule provides that non-originating material at a certain level of manufacture may be used, the use of such material at an earlier stage of manufacture is allowed and the use of such material at a later stage is not.

3. Without prejudice to Note 3.2 where a rule states that "materials of any heading" may be used, materials of the same heading as the product may also be used, subject, however, to any specific limitations which may also be contained in the rule. However, the expression "manufacture from materials of any heading, including other materials of heading No ..." means that only materials classified in the same heading as the product of a different description than that of the product as given in column 2 of the list may be used.

4. When a rule in the list specifies that a product may be manufactured from more than one material, this means that any one or more materials may be used. It does not require that all be used.

Example:

The rule for fabrics of heading Nos 5208 to 5212 provides that natural fibres may be used and that chemical materials, among other materials, may also be used. This does not mean that both have to be used; it is possible to use one or the other or both.

5. Where a rule in the list specifies that a product must be manufactured from a particular material, the condition obviously does not prevent the use of other materials which, because of their inherent nature, cannot satisfy the rule. (See also Note 6.3 below in relation to textiles).

Example:

The rule for prepared foods of heading No 1904 which specifically excludes the use of cereals and their derivatives does not prevent the use of mineral salts, chemicals and other additives which are not products from cereals.

However, this does not apply to products which, although they cannot be manufactured from the particular materials specified in the list, can be produced from a material of the same nature at an earlier stage of manufacture.

Example:

In the case of an article of apparel of ex Chapter 62 made from non-woven materials, if the use of only non-originating yarn is allowed for this class of article, it is not possible to start from non-woven cloth – even if non-woven cloths cannot normally be made from yarn. In such cases, the starting material would normally be at the stage before yarn – that is the fibre stage.

6. Where, in a rule in the list, two percentages are given for the maximum value of non-originating materials that can be used, then these percentages may not be added together. In other words, the maximum value of all the non-originating materials used may never exceed the highest of the percentages given. Furthermore, the individual percentages must not be exceeded in relation to the particular materials they apply to.

Note 4:

1. The term "natural fibres" is used in the list to refer to fibres other than artificial or synthetic fibres. It is restricted to the stages before spinning takes place, including waste, and, unless otherwise specified, includes fibres that have been carded, combed or otherwise processed but not spun.
2. The term "natural fibres" includes horsehair of heading No 0503, silk of heading Nos 5002 and 5003 as well as the wool fibres, fine or coarse animal hair of heading Nos 5101 to 5105, the cotton fibres of heading Nos 5201 to 5203 and the other vegetable fibres of heading Nos 5301 to 5305.
3. The terms "textile pulp", "chemical materials" and "paper-making materials" are used in the list to describe the materials not classified in Chapters 50 to 63, which can be used to manufacture artificial, synthetic or paper fibres or yarns.

4. The term "man-made staple fibres" is used in the list to refer to synthetic or artificial filament tow, staple fibres or waste, of heading Nos 5501 to 5507.

Note 5:

1. Where for a given product in the list a reference is made to this note, the conditions set out in column 3 shall not be applied to any basic textile materials, used in the manufacture of this product, which, taken together, represent 10 per cent or less of the total weight of all the basic textile materials used. (See also Notes 5.3 and 5.4 below).
2. However, the tolerance mentioned in Note 5.1 may only be applied to mixed products which have been made from two or more basic textile materials.

The following are the basic textile materials:

- silk,
- wool,
- coarse animal hair,
- fine animal hair,
- horsehair,
- cotton,
- paper-making materials and paper,
- flax,
- true hemp,
- jute and other textile bast fibres,
- sisal and other textile fibres of the genus *Agave*,
- coconut, abaca, ramie and other vegetable textile fibres,
- synthetic man-made filaments,
- artificial man-made filaments,
- current conducting filaments
- synthetic man-made staple fibres of polypropylene,
- synthetic man-made staple fibres of polyester,
- synthetic man-made staple fibres of polyamide,
- synthetic man-made staple fibres of polyacrylonitrile,
- synthetic man-made staple fibres of polyimide, synthetic man-made staple fibres of polytetrafluoroethylene,

- synthetic man-made staple fibres of polyphenylene sulphide,
- synthetic man-made staple fibres of polyvinyl chloride,
- other synthetic man-made staple fibres,
- artificial man-made staple fibres of viscose,
- other artificial man-made staple fibres,
- yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped,
- yarn made of polyurethane segmented with flexible segments of polyester whether or not gimped,
- products of heading No 5605 (metalized yarn) incorporating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film,
- other products of heading No 5605.

Example:

A yarn of heading No 5205 made from cotton fibres of heading No 5203 and synthetic staple fibres of heading No 5506 is a mixed yarn. Therefore, non-originating synthetic staple fibres that do not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) may be used up to a weight of 10% of the yarn.

Example:

A woollen fabric of heading No 5112 made from woollen yarn of heading No 5107 and synthetic yarn of staple fibres of heading No 5509 is a mixed fabric. Therefore synthetic yarn which does not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) or woollen yarn that does not satisfy the origin rules (which require manufacture from natural fibres, not carded or combed or otherwise prepared for spinning) or a combination of the two may be used provided their total weight does not exceed 10% of the weight of the fabric.

Example:

Tufted textile fabric of heading No 5802 made from cotton yarn of heading No 5205 and cotton fabric of heading No 5210 is only a mixed product if the cotton fabric is itself a mixed fabric being made from yarns classified in two separate headings or if the cotton yarns used are themselves mixtures.

Example:

If the tufted textile fabric concerned had been made from cotton yarn of heading No 5205 and synthetic fabric of heading No 5407, then, obviously, the yarns used are two separate basic textile materials and the tufted textile fabric is accordingly a mixed product.

3. In the case of products incorporating "yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped" this tolerance is 20% in respect of this yarn.
4. In the case of products incorporating "strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of an adhesive between two layers of plastic film", this tolerance is 30% in respect of this strip.

Note 6:

1. In the case of those textile products, which are marked in the list by a footnote referring to this Introductory Note, textile trimmings and accessories which do not satisfy the rule set out in the list in column 3 for the made up products concerned may be used provided that their weight does not exceed 10% of the total weight of all the textile materials incorporated.

Textile trimmings and accessories are those classified in Chapters 50 to 63. Linings and interlinings are not be regarded as trimmings or accessories.

2. Any non-textile trimmings and accessories or other materials used which

contain textiles do not have to satisfy the conditions set out in column 3 even though they fall outside the scope of Note 3.5.

3. In accordance with Note 3.5, any non-originating non-textile trimmings and accessories or other product, which do not contain any textiles, may, anyway, be used freely where they cannot be made from the materials listed in column 3.

- For example,(¹) if a rule in the list says that for a particular textile item, such as a blouse, yarn must be used, this does not prevent the use of metal items, such as buttons, because they cannot be made from textile materials.

4. Where a percentage rule applies, the value of trimmings and accessories must be taken into account when calculating the value of the non-originating materials incorporated.

Note 7:

1. For the purposes of heading Nos ex 2707, 2713 to 2715, ex 2901, ex 2902 and ex 3403, the "specific processes" are the following:

- a) vacuum distillation;
- b) redistillation by a very thorough fractionation process(²);
- c) cracking;
- d) reforming;
- e) extraction by means of selective solvents;
- f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralization with alkaline agents; decolorization and purification with naturally active earth, activated earth, activated charcoal or bauxite;
- g) polymerization;

- h) alkylation;
 - i) isomerization.
2. For the purposes of heading Nos 2710, 2711 and 2712, the "specific processes" are the following:
- a) vacuum distillation;
 - b) redistillation by a very thorough fractionation process⁽¹⁾;
 - c) cracking;
 - d) reforming;
 - e) extraction by means of selective solvents;
 - f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralization with alkaline agents; decolorization and purification with naturally active earth, activated earth, activated charcoal or bauxite;
 - g) polymerization;
 - h) alkylation;
 - i) isomerization;
 - j) in respect of heavy oils falling within heading No ex 2710 only, desulphurization with hydrogen resulting in a reduction of at least 85% of the sulphur content of the products processed (ASTM D 1266-59 T method);
 - k) in respect of products falling within heading No 2710 only, deparaffining by a process other than filtering;
 - l) in respect of heavy oils falling within heading No ex 2710 only, treatment with hydrogen at a pressure of more than 20 bar and a temperature of more than 250 °C with the use of a catalyst, other than to effect desulphurization, when the hydrogen constitutes an active element in a chemical reaction. The further treatment with hydrogen of

lubricating oils of heading No ex 2710 (e.g. hydrofinishing or decolorization) in order, more especially, to improve colour or stability shall not, however, be deemed to be a specific process;

- m) in respect of fuel oils falling within heading No ex 2710 only, atmospheric distillation, on condition that less than 30 per cent of these products distils, by volume, including losses, at 300°C by the ASTM D 86 method;
 - n) in respect of heavy oils other than gas oils and fuel oils falling within heading No ex 2710 only, treatment by means of a high-frequency electrical brush-discharge.
3. For the purposes of heading Nos ex 2707, 2713 to 2715, ex 2901, ex 2902 and ex 3403, simple operations such as cleaning, decanting, desalting, water separation, filtering, colouring, marking, obtaining a sulphur content as a result of mixing products with different sulphur contents, any combination of these operations or like operations do not confer origin.

⁽¹⁾ This example is given for the purpose of explanation only. It is not legally binding.

⁽²⁾ See additional Explanatory Note 4(b) to Chapter 27 of the Combined Nomenclature.

ANNEXE II TO PROTOCOL 1

List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status

The products mentioned in the list may not all be covered by this Agreement. It is therefore necessary to consult the other parts of this Agreement.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
Chapter 01	Live animals	All the animals of Chapter 1 used must be wholly obtained
Chapter 02	Meat and edible meat offal	Manufacture in which all the materials of Chapters 1 and 2 used must be wholly obtained
Chapter 03	Fish and crustaceans, molluscs and other aquatic invertebrates	Manufacture in which all the materials of Chapter 3 used must be wholly obtained
ex Chapter 04	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included; except for:	Manufacture in which all the materials of Chapter 4 used must be wholly obtained
0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavored or containing added fruit, nuts or cocoa	Manufacture in which: - all the materials of Chapter 4 used must be wholly obtained; - any fruit juice (except those of pineapple, lime or grapefruit) of heading No 2009 used must already be originating; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
ex Chapter 05	Products of animal origin, not elsewhere specified or included; except for:	Manufacture in which all the materials of Chapter 5 used must be wholly obtained
ex 0502	Prepared pigs', hogs' or boars' bristles and hair	Cleaning, disinfecting, sorting and straightening of bristles and hair
Chapter 06	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage	Manufacture in which: - all the materials of Chapter 6 used must be wholly obtained; - the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 07	Edible vegetables and certain roots and tubers	Manufacture in which all the materials of Chapter 7 used must be wholly obtained
Chapter 08	Edible fruit and nuts; peel of citrus fruits or melons	Manufacture in which: - all the fruit and nuts used must be wholly obtained; - the value of any materials of Chapter 17 used does not exceed 30% of the value of the ex-works price of the product
ex Chapter 09	Coffee, tea, maté and spices; except for:	Manufacture in which all the materials of Chapter 9 used must be wholly obtained
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion	Manufacture from materials of any heading
0902	Tea, whether or not flavoured	Manufacture from materials of any heading
ex 0910	Mixtures of spices	Manufacture from materials of any heading

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
Chapter 10	Cereals	Manufacture in which all the materials of Chapter 10 used must be wholly obtained
ex Chapter 11	Products of the milling industry; malt; starches; inulin; wheat gluten; except for:	Manufacture in which all the cereals, edible vegetables, roots and tubers of heading No 0714 or fruit used must be wholly obtained
ex 1106	Flour, meal and powder of the dried, shelled leguminous vegetables of heading No 0713	Drying and milling of leguminous vegetables of heading No 0708
Chapter 12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder	Manufacture in which all the materials of Chapter 12 used must be wholly obtained
1301	Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)	Manufacture in which the value of any materials of heading No 1301 used may not exceed 50% of the ex-works price of the product
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products: - Mucilages and thickeners, modified, derived from vegetable products - Other	Manufacture from non-modified mucilages and thickeners Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 14	Vegetable plaiting materials; vegetable products not elsewhere specified or included	Manufacture in which all the materials of Chapter 14 used must be wholly obtained
ex Chapter 15	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animals or vegetable waxes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
1501	Pig fat (including lard) and poultry fat, other than that of heading No 0209 or 1503: - Fats from bones or waste - Other	Manufacture from materials of any heading except those of heading Nos 0203, 0206 or 0207 or bones of heading No 0506 Manufacture from meat or edible offal of swine of heading No 0203 or 0206 or of meat and edible offal of poultry of heading No 0207
1502	Fats of bovine animals, sheep or goats, other than those of heading No 1503	

HS heading n°	Description of product	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
(1)	(2)	(3) or (4)
1504	- Fats from bones or waste	Manufacture from materials of any heading except those of heading Nos 0201, 0202, 0204 or 0206 or bones of heading No 0506
	- Other	Manufacture in which all the materials of Chapter 2 used must be wholly obtained
	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified:	
	- Solid fractions	Manufacture from materials of any heading including other materials of heading No 1504
ex 1505	- Other	Manufacture in which all the materials of Chapters 2 and 3 used must be wholly obtained
	Refined lanolin	Manufacture from crude wool grease of heading No 1505
1506	Other animals fats and oils and their fractions, whether or not refined, but not chemically modified:	
	- Solid fractions	Manufacture from materials of any heading including other materials of heading No 1506
	- Other	Manufacture in which all the materials of Chapter 2 used must be wholly obtained
1507 to 1515	Vegetable oils and their fractions:	
	- Soya, ground nut, palm, copra, palm kernel, babassu, tung and oiticica oil, myrtle wax and Japan wax, fractions of jojoba oil and oils for technical or industrial uses other than the manufacture of foodstuffs for human consumption	Manufacture in which all the materials used are classified within a heading other than that of the product
	- Solid fractions, except for that of jojoba oil	Manufacture from other materials of heading Nos. 1507 to 1515
	- Other	Manufacture in which all the vegetable materials used must be wholly obtained
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, whether or not refined, but not further prepared	Manufacture in which: - all the materials of Chapter 2 used must be wholly obtained; - all the vegetable materials used must be wholly obtained. However, materials of headings 1507, 1508, 1511 and 1513 may be used

HS heading n°	Description of product	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
(1)	(2)	(3) or (4)
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading No 1516	Manufacture in which: - all the materials of Chapters 2 and 4 used must be wholly obtained; - all the vegetable materials used must be wholly obtained. However, materials of headings 1507, 1508, 1511 and 1513 may be used
Chapter 16	Preparations of meat, of fish or of crustaceans, mollusks or other aquatic invertebrates	Manufacture from animals of Chapter 1. All the materials of Chapter 3 used must be wholly obtained
ex Chapter 17	Sugars and sugar confectionery; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 1701	Cane or beet sugar and chemically pure sucrose, in solid form, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:	
	- Chemically pure maltose and fructose	Manufacture from materials of any heading including other materials of heading No 1702
	- Other sugars in solid form, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
ex 1703	- Other	Manufacture in which all the materials used must already be originating
	Molasses resulting from the extraction or refining of sugar, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
1704	Sugar confectionery (including white chocolate), not containing cocoa	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
Chapter 18	Cocoa and cocoa preparations	Manufacture in which: - all the materials used reclassified within a heading other than that of the product; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos. 0401 to 0404, not containing cocoa or containing less than 5% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included: - Malt extract - Other	Manufacture from cereals of Chapter 10 Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared: - Containing 20% or less by weight of meat, meat offal, fish, crustaceans or molluscs - Containing more than 20% by weight of meat, meat offal, fish, crustaceans or molluscs	Manufacture in which all the cereals and derivatives (except durum wheat and its derivatives) used must be wholly obtained Manufacture in which: - all cereals and derivatives (except durum wheat and its derivatives) used must be wholly obtained; - all the materials of Chapters 2 and 3 used must be wholly obtained
1903	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms	Manufacture from materials of any heading except potato starch of heading No 1108
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included	Manufacture: - from materials not classified within heading No 1806; - in which all the cereals and flour (except durum wheat and its derivatives and Zea indurata maize) used must be wholly obtained (1); - in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	Manufacture from materials of any heading except those of Chapter 11
ex Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants; except for:	Manufacture in which all the fruit, nuts or vegetables used must be wholly obtained
ex 2001	Yams, sweet potatoes and similar edible parts of plants containing 5% or more by weight of starch, prepared or preserved by vinegar or acetic acid	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 2004 and ex 2005	Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid	Manufacture in which all the materials used are classified within a heading other than that of the product
2006	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallized)	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
ex 2008	- Nuts, not containing added sugar or spirit - Peanut butter; mixtures based on cereals; palm hearts; maize (corn) - Other except for fruit and nuts cooked otherwise than by steaming or boiling in water, not containing added sugar, frozen	Manufacture in which the value of the originating nuts and oil seeds of heading Nos 0801, 0802 and 1202 to 1207 used exceeds 60% of the ex-works price of the product Manufacture in which all the materials used are classified within a heading other than that of the product
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
ex Chapter 21	Miscellaneous edible preparations; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product

(1) The exception concerning the Zea indurata maize is applicable until 31.12.2002.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - all the chicory used must be wholly obtained
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard: - Sauces and preparations therefor; mixed condiments and mixed seasonings - Mustard flour and meal and prepared mustard	Manufacture in which all the materials used are classified within a heading other than that of the product. However, mustard flour or meal or prepared mustard may be used Manufacture from materials of any heading
ex 2104	Soups and broths and preparations therefor	Manufacture from materials of any heading except prepared or preserved vegetables of heading Nos 2002 to 2005
2106	Food preparations not elsewhere specified or included	Manufacture in which: - all the materials used are reclassified within a heading other than that of the product; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product
ex Chapter 22	Beverages, spirits and vinegar; except for:	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - all the grapes or any material derived from grapes used must be wholly obtained
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of any materials of Chapter 17 used does not exceed 30% of the ex-works price of the product; - any fruit juice used (except for pineapple, lime and grapefruit juices) must already be originating
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol or higher; ethyl alcohol and other spirits, denatured, of any strength.	Manufacture: - using materials not classified in headings 2207 or 2208, - in which all the grapes or any materials derived from grapes used must be wholly obtained or if all the other materials used are already originating, arrack may be used up to a limit of 5% by volume

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages	Manufacture: - from materials not classified within heading Nos 2207 or 2208, - in which all the grapes or any material derived from grapes used must be wholly obtained or if all the other materials used are already originating, arrack may be used up to a limit of 5% by volume
ex Chapter 23	Residues and waste from the food industries; prepared animal fodder; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 2301	Whale meal; flours, meals and pellets of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption	Manufacture in which all the materials of Chapters 2 and 3 used must be wholly obtained
ex 2303	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of protein content, calculated on the dry product, exceeding 40% by weight	Manufacture in which all the maize used must be wholly obtained
ex 2306	Oil cake and other solid residues resulting from the extraction of olive oil, containing more than 3% of olive oil	Manufacture in which all the olives used must be wholly obtained
2309	Preparations of a kind used in animal feeding	Manufacture in which: - all the cereals, sugar or molasses, meat or milk used must already be originating; - all the materials of Chapter 3 used must be wholly obtained
ex Chapter 24	Tobacco and manufactured tobacco substitutes; except for:	Manufacture in which all the materials of Chapter 24 used must be wholly obtained
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes	Manufacture in which at least 70% by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating
ex 2403	Smoking tobacco	Manufacture in which at least 70% by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating
ex Chapter 25	Salt; sulphur; earths and stone; plastering materials, lime and cement; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 2504	Natural crystalline graphite, with enriched carbon content, purified and ground	Enriching of the carbon content, purifying and grinding of crude crystalline graphite
ex 2515	Marble, merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of marble (even if already sawn) of a thickness exceeding 25 cm

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex 2516	Granite, porphyry, basalt, sandstone and other monumental and building stone, merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of stone (even if already sawn) of a thickness exceeding 25 cm
ex 2518	Calcined dolomite	Calcinations of dolomite not calcined
ex 2519	Crushed natural magnesium carbonate (magnesite), in hermetically-sealed containers, and magnesium oxide, whether or not pure, other than fused magnesia or dead-burned (sintered) magnesia	Manufacture in which all the materials used are classified within a heading other than that of the product. However, natural magnesium carbonate (magnesite) may be used
ex 2520	Plasters specially prepared for dentistry	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 2524	Natural asbestos fibers	Manufacture from asbestos concentrate
ex 2525	Mica powder	Grinding of mica or mica waste
ex 2530	Earth colours, calcined or powdered	Calcinations or grinding of earth colours
Chapter 26	Ores, slag and ash	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65% by volume distils at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels	Operations of refining and/or one or more specific process(es)(¹) or Other operations in which all the materials used are reclassified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
ex 2709	Crude oils obtained from bituminous minerals	Destructive distillation of bituminous materials
2710	Petroleum oils and oils obtained from bituminous materials, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous materials, these oils being the basic constituents of the preparations	Operations of refining and/or one or more specific process(es)(¹) or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product

(1) For the special conditions relating to "specific processes" see Introductory Notes 7.1 and 7.3

(2) For the special conditions relating to "specific processes" see Introductory Note 7.2

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
2711	Petroleum gases and other gaseous hydrocarbons	Operations of refining and/or one or more specific process(es)(¹) or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2712	Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes and similar products obtained by synthesis or by other processes, whether or not coloured	Operations of refining and/or one or more specific process(es)(¹) or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous materials	Operations of refining and/or one or more specific process(es)(¹) or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphalt corks	Operations of refining and/or one or more specific process(es)(¹) or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
2715	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)	Operations of refining and/or one or more specific process(es)(¹) or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
ex Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

(1) For the special conditions relating to "specific processes" see Introductory Note 7.2

(2) For the special conditions relating to "specific processes" see Introductory Notes 7.1 and 7.3

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex 2805	"Mischmetall"	Manufacture by electrolytic or thermal treatment in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 2811	Sulphur trioxide	Manufacture from sulphur dioxide Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 2833	Aluminium sulphate	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 2840	Sodium perborate	Manufacture from disodium tetraborate pentahydrate Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 29	Organic chemicals; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 2901	Acyclic hydrocarbons for use as power or heating fuels	Operations of refining and/or one or more specific process(es) ⁽¹⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
ex 2902	Cyclanes and cyclenes (other than azulenes), benzene, toluene, xylenes, for use as power or heating fuels	Operations of refining and/or one or more specific process(es) ⁽¹⁾ or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used, provided their value does not exceed 50% of the ex-works price of the product
ex 2905	Metal alcoholates of alcohols of this heading and of ethanol	Manufacture from materials of any heading, including other materials of heading No 2905. However, metal alcoholates of this heading may be used, provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of headings Nos 2915 and 2916 used may not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 2932	- Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of heading No 2909 used may not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
	- Cyclic acetals and internal hemiacetals and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
2933	Heterocyclic compounds with nitrogen hetero-atom(s) only	Manufacture from materials of any heading. However, the value of all the materials of headings Nos 2932 and 2933 used may not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
2934	Nucleic acids and their salts; other heterocyclic compounds	Manufacture from materials of any heading. However, the value of all the materials of headings Nos 2932, 2933 and 2934 used may not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 30	Pharmaceutical products; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product
3002	Human blood; animal blood prepared for therapeutic, prophylactic or diagnostic uses; antisera and other blood fractions and modified immunological products, whether or not obtained by means of biotechnological processes; vaccines, toxins, cultures of micro-organisms (excluding yeasts) and similar products:	

(1) For the special conditions relating to "specific processes" see Introductory Notes 7.1 and 7.3

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
	<ul style="list-style-type: none"> - Products consisting of two or more constituents which have been mixed together for therapeutic or prophylactic uses or unmixed products for these uses, put up in measured doses or in forms or packings for retail sale - Other: <ul style="list-style-type: none"> - human blood - animal blood prepared for therapeutic or prophylactic uses - blood fractions other than antisera, haemoglobin, blood globulins and serum globulins - haemoglobin, blood globulins and serum globulins - other 	<p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20% of the ex-works price of the product</p>
3003 and 3004	<p>Medicaments (excluding goods of heading No 3002, 3005 or 3006):</p> <ul style="list-style-type: none"> - Obtained from amikacin of heading No 2941 - Other 	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials of heading No 3003 or 3004 may be used provided their value, taken together, does not exceed 20% of the ex-works price of the product</p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> - all the materials used are classified within a heading other than that of the product. However, materials of heading No 3003 or 3004 may be used provided their value, taken together, does not exceed 20% of the ex-works price of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex Chapter 31	Fertilizers; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3105	Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorous and potassium; other fertilizers; goods of this Chapter, in tablets or similar forms or in packages of a gross weight not exceeding 10 kg, except for: - sodium nitrate - calcium cyanamide - potassium sulphate - magnesium potassium sulphate	Manufacture in which: - all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3201	Tannins and their salts, ethers, esters and other derivatives	Manufacture from tanning extracts of vegetable origin Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3205	Colour lakes; preparations as specified in Note 3 to this Chapter based on colour lakes ⁽¹⁾	Manufacture from materials of any heading, except headings Nos 3203, 3204 and 3205. However, materials from heading No 3205 may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

⁽¹⁾ Note 3 to Chapter 32 says that these preparations are those of a kind used for colouring any material or used as ingredients in the manufacturing of colouring preparations, provided they are not classified in another heading in Chapter 32.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, infixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils	Manufacture from materials of any heading, including materials of a different "group" (1) in this heading. However, materials of the same group may be used, provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modeling pastes, "dental waxes" and dental preparations with a basis of plaster; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3403	Lubricating preparations containing petroleum oils or oils obtained from bituminous minerals, provided they represent less than 70% by weight	Operations of refining and/or one or more specific process(es) (2) or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product
3404	Artificial waxes and prepared waxes: - With a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax - Other	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product Manufacture from materials of any heading, except: - hydrogenated oils having the character of waxes of heading No 1516; - fatty acids not chemically defined or industrial fatty alcohols having the character of waxes of heading No 3823; - materials of heading No 3404 However, these materials may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex Chapter 35	Albuminoidal substances; modified starches; glues; enzymes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches: - Starch ethers and esters - Other	Manufacture from materials of any heading, including other materials of heading No 3505 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture from materials of any heading, except those of heading No 1108 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3507	Prepared enzymes not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 37	Photographic or cinematographic goods; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3701	Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in the flat, sensitized, unexposed, whether or not in packs:	

(1) A "group" is regarded as any part of the heading separated from the rest by a semi-colon.

(2) For the special conditions relating to "specific processes" see Introductory Notes 7.1 and 7.3.

HS heading n°	Description of product	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
(1)	(2)	(3) or (4)
	- Instant print film for colour photography, in packs	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 or 3702. However, materials from heading No 3702 may be used provided their value does not exceed 30% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
	- Other	Manufacture in which all the materials used are classified within a heading other than heading No 3701 or 3702. However, materials from heading Nos 3701 and 3702 may be used provided their value taken together, does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3702	Photographic film in rolls, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitized, unexposed	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 or 3702 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3704	Photographic plates, film paper, paperboard and textiles, exposed but not developed	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 to 3704 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 38	Miscellaneous chemical products; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3801	- Colloidal graphite in suspension in oil and semi-colloidal graphite; carbonaceous pastes for electrodes	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
	- Graphite in paste form, being a mixture of more than 30% by weight of graphite with mineral oils	Manufacture in which the value of all the materials of heading No 3403 used does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3803	Refined tall oil	Refining of crude tall oil Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading n°	Description of product	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
(1)	(2)	(3) or (4)
ex 3805	Spirits of sulphate turpentine, purified	Purification by distillation or refining of raw spirits of sulphate turpentine Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3806	Ester gums	Manufacture from resin acids Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 3807	Wood pitch (wood tar pitch)	Distillation of wood tar Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
3808	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put-up in forms or packing for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly-papers)	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the products
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the products
3810	Pickling preparations for metal surfaces; fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding electrodes or rods	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the products
3811	Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations and other prepared additives, for mineral oils (including gasoline) or for other liquids used for the same purposes as mineral oils:	
	- Prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous minerals	Manufacture in which the value of all the materials of heading No 3811 used doesn't exceed 50% of the ex-works price of the product
	- Other	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
3812	Prepared rubber accelerators; compound plasticizers for rubber or plastics, not elsewhere specified or included; anti-oxidizing preparations and other compound stabilizers for rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3813	Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3814	Organic composite solvents and thinners, not elsewhere specified or included; prepared paint or varnish removers	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3818	Chemical elements doped for use in electronics, in the form of discs, wafers or similar forms; chemical compounds doped for use in electronics	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3819	Hydraulic brake fluids and other prepared liquids for hydraulic transmission, not containing or containing less than 70% by weight of petroleum oils or oils obtained from bituminous minerals	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3820	Anti-freezing preparations and prepared de-icing fluids	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3822	Diagnostic or laboratory reagents on a backing and prepared diagnostic or laboratory reagents, whether or not on a backing, other than those of heading No 3002 or 3006	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols. - Industrial monocarboxylic fatty acids, acid oils from refining - Industrial fatty alcohols	Manufacture in which all the materials used are classified within a heading other than that of the product Manufacture from materials of any heading including other materials of heading No 3823
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included:	

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
	- The following of this heading: Prepared binders for foundry moulds or cores based on natural resinous products Naphthenic acids, their water insoluble salts and their esters Sorbitol other than that of heading No 2905 Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanol amines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts Ion exchangers Getters for vacuum tubes Alkaline iron oxide for the purification of gas Ammoniacal gas liquors and spent oxide produced in coal gas purification Sulphonaphthenic acids, their water insoluble salts and their esters Fusel oil and Dippel's oil Mixtures of salts having different anions Copying pastes with a basis of gelatin, whether or not on a paper or textile backing	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
	- Other	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
3901 to 3915	Plastics in primary forms, waste, parings and scrap, of plastic; except for heading Nos ex 3907 and 3912 for which the rules are set out below: - Addition homopolymerization products in which a single monomer contributes more than 99% by weight to the total polymer content	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product Manufacture in which: - the value of all the materials used does not exceed 50% of the ex-works price of the product; - the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product ⁽¹⁾ Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product

(1) In the case of the products composed of materials classified within both heading Nos. 3901 to 3906, on the one hand, and within heading Nos. 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex 3907	- Other - Copolymer, made from polycarbonate and acrylonitrile-butadiene-styrene copolymer (ABS) - Polyester	Manufacture in which the value of the materials of Chapter 39 used does not exceed 20% of the ex-works price of the product ⁽¹⁾ Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50% of the ex-works price of the product ⁽¹⁾ Manufacture in which the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product and/or manufacture from polycarbonate of tetrabromo-(bisphenol A)
3912	Cellulose and its chemical derivatives, not elsewhere specified or included, in primary forms	Manufacture in which the value of any materials classified in the same heading as the product does not exceed 20% of the ex-works price of the product
3916 to 3921	Semi-manufactures and articles of plastics; except for headings Nos ex 3916, ex 3917, ex 3920 and ex 3921, for which the rules are set out below: - Flat products, further worked than only surface-worked or cut into forms other than rectangular (including square); other products, further worked than only surface-worked - Other: - Addition homopolymerization products in which a single monomer contributes more than 99% by weight to the total polymer content - Other	Manufacture in which the value of any materials of Chapter 39 used does not exceed 50% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product Manufacture in which: - the value of all the materials used does not exceed 50% of the ex-works price of the product; - the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product ⁽¹⁾ Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product Manufacture in which the value of any materials of Chapter 39 used does not exceed 20% of the ex-works price of the product ⁽¹⁾ Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product

⁽¹⁾ In the case of the products composed of materials classified within both heading Nos. 3901 to 3906, on the one hand, and within heading Nos. 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex 3916 and ex 3917	Profile shapes and tubes	Manufacture in which: - the value of all the materials used does not exceed 50% of the ex-works price of the product; - the value of any materials classified within the same heading as the product does not exceed 20% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
ex 3920	- Ionomer sheet or film - Sheets of regenerated cellulose, polyamides or polyethylene	Manufacture from a thermoplastic partial salt, which is a copolymer of ethylene and metacrylic acid partly, neutralized with metal ions, mainly zinc and sodium Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product Manufacture in which the value of any materials classified in the same heading, as the product does not exceed 20% of the ex-works price of the product
ex 3921	Foils of plastic, metallized	Manufacture from highly transparent polyester foils with a thickness of less than 23 micron ⁽¹⁾ Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
3922 to 3926	Articles of plastics	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 40	Rubber and articles thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 4001	Laminated slabs of crepe rubber for shoes	Lamination of sheets of natural rubber
4005	Compounded rubber, unvulcanised, in primary forms or in plates, sheets or strip	Manufacture in which the value of all the materials used, except natural rubber, does not exceed 50% of the ex-works price of the product
4012	Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, interchangeable tyre treads and tyre flaps, of rubber: - Retreaded pneumatic, solid or cushion tyres, of rubber - Other	Retreading of used tyres Manufacture from materials of any heading, except those of heading Nos 4011 or 4012
ex 4017	Articles of hard rubber	Manufacture from hard rubber

⁽¹⁾ The following foils shall be considered as highly transparent: foils, the optical dimming of which - measured according to ASTM-D 1003-16 by Gardner Hazemeter (i.e. Hazefactor) - is less than 2 percent.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex Chapter 41	Raw hides and skins (other than furskins) and leather; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 4102	Raw skins of sheep or lambs, without wool on	Removal of wool from sheep or lambskins, with wool on
4104 to 4107	Leather, without hair or wool, other than leather of heading Nos 4108 or 4109	Retanning of pre-tanned leather or Manufacture in which all the materials used are classified within a heading other than that of the product
4109	Patent leather and patent laminated leather; metallized leather	Manufacture from leather of heading Nos 4104 to 4107 provided its value does not exceed 50% of the ex-works price of the product
Chapter 42	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk worm gut)	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 43	Furskins and artificial fur; manufactures thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 4302	Tanned or dressed furskins, assembled: - Plates, crosses and similar forms - Other	Bleaching or dyeing, in addition to cutting and assembly of non-assembled tanned or dressed furskins Manufacture from non-assembled, tanned or dressed furskins
4303	Articles of apparel, clothing accessories and other articles of fur skin	Manufacture from non-assembled tanned or dressed furskins of heading No 4302
ex Chapter 44	Wood and articles of wood; wood charcoal; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 4403	Wood roughly squared	Manufacture from wood in the rough, whether or not stripped of its bark or merely roughed down
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm, planed, sanded or finger-jointed	Planing, sanding or finger-jointing
ex 4408	Veneer sheets and sheets for plywood, of a thickness not exceeding 6 mm, spliced, and other wood sawn lengthwise, sliced or peeled of a thickness not exceeding 6 mm, planed, sanded or finger-jointed	Splicing, planing, sanding or finger-jointing

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex 4409	Wood continuously shaped along any of its edges or faces, whether or not planed, sanded or finger-jointed: - Sanded or finger-jointed - Beadings and mouldings	Sanding or finger-jointing Beading or moulding
ex 4410 to ex 4413	Beadings and mouldings, including moulded skirting and other moulded boards	Beading or moulding
ex 4415	Packing cases, boxes, crates, drums and similar packings, of wood	Manufacture from boards not cut to size
ex 4416	Casks, barrels, vats, tubs and other cooper's products and parts thereof, of wood	Manufacture from riven staves, not further worked than sawn on the two principal surfaces
ex 4418	- Builders' joinery and carpentry of wood - Beadings and mouldings	Manufacture in which all the materials used are classified within a heading other than that of the product. However, cellular wood panels, shingles and shakes may be used Beading or moulding
ex 4421	Match splints; wooden pegs or pins for footwear	Manufacture from wood of any heading except drawn wood of heading No 4409
ex Chapter 45	Cork and articles of cork; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
4503	Articles of natural cork	Manufacture from cork of heading No 4501
Chapter 46	Manufactures of straw, of esparto or of other plaiting materials; basketware and wickerwork	Manufacture in which all the materials used are classified within a heading other than that of the product
Chapter 47	Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper or paperboard	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 48	Paper and paperboard; articles of paper pulp, of paper or of paperboard; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 4811	Paper and paperboard, ruled, lined or squared only	Manufacture from papermaking materials of Chapter 47
4816	Carbon paper, self-copy paper and other copying or transfer papers (other than those of heading No 4809), duplicator stencils and offset plates, of paper, whether or not put up in boxes	Manufacture from papermaking materials of Chapter 47

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
4817	Envelopes, letter cards, plain postcards and correspondence cards, of paper or paperboard; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing an assortment of paper stationery	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 4818	Toilet paper	Manufacture from papermaking materials of Chapter 47
ex 4819	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibers	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 4820	Letter pads	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape	Manufacture from papermaking materials of Chapter 47
ex Chapter 49	Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
4909	Printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings	Manufacture from materials not classified within heading Nos 4909 or 4911
4910	Calendars of any kind, printed, including calendar blocks: - Calendars of the “perpetual” type or with replaceable blocks mounted on bases other than paper or paperboard - Other	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product Manufacture from materials not classified in heading Nos 4909 or 4911
ex Chapter 50	Silk; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock), carded or combed	Carding or combing of silk waste

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
5004 to ex 5006	Silk yarn and yarn spun from silk waste	Manufacture from (1): - raw silk or silk waste carded or combed or otherwise prepared for spinning, - other natural fibers not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - papermaking materials
5007	Woven fabrics of silk or of silk waste: - Incorporating rubber thread - Other	Manufacture from single yarn(1) Manufacture from(1): - coir yarn, - natural fibers, - man-made staple fibers not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
ex Chapter 51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
5106 to 5110	Yarn of wool, of fine or coarse animal hair or of horsehair	Manufacture from(1): - raw silk or silk waste carded or combed or otherwise prepared for spinning, - natural fibres not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - paper-making materials
5111 to 5113	Woven fabrics of wool, of fine or coarse animal hair or of horsehair: - Incorporating rubber thread - Other	Manufacture from single yarn(1) Manufacture from(1): - coir yarn, - natural fibers, - man-made staple fibres not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - paper

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
		or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
ex Chapter 52	Cotton; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
5204 to 5207	Yarn and thread of cotton	Manufacture from(1): - raw silk or silk waste carded or combed or otherwise prepared for spinning, - natural fibers not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - papermaking materials
5208 to 5212	Woven fabrics of cotton: - Incorporating rubber thread - Other	Manufacture from single yarn(1) Manufacture from(1): - coir yarn, - natural fibers, - man-made staple fibers not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
ex Chapter 53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
5306 to 5308	Yarn of other vegetable textile fibers; paper yarn	Manufacture from(1): - raw silk or silk waste carded or combed or otherwise prepared for spinning, - natural fibers not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - papermaking materials
5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn:	

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
	- Incorporating rubber thread - Other	Manufacture from single yarn(1) Manufacture from(1): - coir yarn, - natural fibers, - man-made staple fibres not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
5401 to 5406	Yarn, monofilament and thread of man-made filaments	Manufacture from(1): - raw silk or silk waste carded or combed or otherwise prepared for spinning, - natural fibers not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - papermaking materials
5407 and 5408	Woven fabrics of man-made filament yarn: - Incorporating rubber thread - Other	Manufacture from single yarn(1) Manufacture from(1): - coir yarn, - natural fibers, - man-made staple fibres not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
5501 to 5507	Man-made staple fibers	Manufacture from chemical materials or textile pulp
5508 to 5511	Yarn and sewing thread of man-made staple fibers	Manufacture from(1): - raw silk or silk waste carded or combed or otherwise prepared for spinning, - natural fibers not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - papermaking materials

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
5512 to 5516	Woven fabrics of man-made staple fibers: - Incorporating rubber thread - Other	Manufacture from single yarn ⁽¹⁾ Manufacture from ⁽¹⁾ : - coir yarn, - natural fibers, - man-made staple fibers not carded or combed or otherwise prepared for spinning, - chemical materials or textile pulp, or - paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
ex Chapter 56	Wadding, felt and non-woven; special yarns; twine, cordage, ropes and cables and articles thereof; except for:	Manufacture from ⁽¹⁾ : - coir yarn, - natural fibers, - chemical materials or textile pulp, or - paper making materials
5602	Felt, whether or not impregnated, coated, covered or laminated: - Needleloom felt - Other	Manufacture from ⁽¹⁾ : - natural fibers, - chemical materials or textile pulp However: - polypropylene filament of heading No 5402, - polypropylene fibers of heading No 5503 or 5506 or - polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fiber is less than 9 decitex may be used provided their value does not exceed 40% of the ex-works price of the product Manufacture from ⁽¹⁾ : - natural fibers, - man-made staple fibers made from casein, or - chemical materials or textile pulp
5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading No 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics: - Rubber thread and cord, textile covered	Manufacture from rubber thread or cord, not textile covered

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
5605	- Other Metallized yarn, whether or not gimped, being textile yarn, or strip or the like of heading No 5404 or 5405, combined with metal in the form of thread, strip or powder or covered with metal	Manufacture from ⁽¹⁾ : - natural fibers not carded or combed or otherwise processed for spinning, - chemical materials or textile pulp, or - papermaking materials Manufacture from ⁽¹⁾ : - natural fibers, - man-made staple fibers not carded or combed or otherwise processed for spinning, - chemical materials or textile pulp, or - papermaking materials
5606	Gimped yarn, and strip and the like of heading No 5404 or 5405, gimped (other than those of heading No 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn; loop wale-yarn)	Manufacture from ⁽¹⁾ : - natural fibers, - man-made staple fibers not carded or combed or otherwise processed for spinning, - chemical materials or textile pulp, or - papermaking materials
Chapter 57	Carpets and other textile floor coverings: - Of needle loom felt - Of other felt - Other	Manufacture from ⁽¹⁾ : - natural fibers, or - chemical materials or textile pulp However: - polypropylene filament of heading No 5402, - polypropylene fibers of heading No 5503 or 5506 or - polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fiber is less than 9 decitex may be used provided their value does not exceed 40% of the ex-works price of the product - jute fabric may be used as backing Manufacture from ⁽¹⁾ : - natural fibers not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp Manufacture from ⁽¹⁾ : - coir or jute yarn, - synthetic or artificial filament yarn, - natural fibers, or - man-made staple fibres not carded or combed or otherwise processed for spinning Jute fabric may be used as backing
ex Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; except for: - Combined with rubber thread	Manufacture from single yarn ⁽¹⁾

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
	- Other	Manufacture from ⁽¹⁾ : - natural fibers, - man-made staple fibers not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp, or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
5805	Hand-woven tapestries of the types gobelins, flanders, aubusson, beauvais and the like, and needle-worked tapestries (for example, petit point, cross stitch), whether or not made up	Manufacture in which all the materials used are classified within a heading other than that of the product
5810	Embroidery in the piece, in strips or in motifs	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for mats and foundations	Manufacture from yarn
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon: - Containing not more than 90% by weight of textile materials - Other	Manufacture from yarn Manufacture from chemical materials or textile pulp
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading No 5902	Manufacture from yarn or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Manufacture from yarn ⁽¹⁾
5905	Textile wall coverings: - Impregnated, coated, covered or laminated with rubber, plastics or other materials - Other	Manufacture from yarn Manufacture from ⁽¹⁾ : - coir yarn, - natural fibers, - man-made staple fibers not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp, or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product
5906	Rubberized textile fabrics, other than those of heading No 5902: - Knitted or crocheted fabrics	Manufacture from ⁽¹⁾ : - natural fibers, - man-made staple fibres not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp
	- Other fabrics made of synthetic filament yarn, containing more than 90% by weight of textile materials	Manufacture from chemical materials
	- Other	Manufacture from yarn
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like	Manufacture from yarn or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, deceiving, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
5908	Textile wicks, woven, plaited or knitted, for lamps, stoves, lighters, candles or the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not impregnated: - Incandescent gas mantles, impregnated - Other	Manufacture from tubular knitted gas mantle fabric Manufacture in which all the materials used are classified within a heading other than that of the product
5909 to 5911	Textile articles of a kind suitable for industrial use: - Polishing discs or rings other than of felt of heading No 5911 - Woven fabrics, of a kind commonly used in papermaking or other technical uses, felted or not, whether or not impregnated or coated, tubular or endless with single or multiple warp and/or weft, or flat woven with multiple warp and/or weft of heading No 5911 - Other	Manufacture from yarn or waste fabrics or rags of heading No 6310 Manufacture from(1): - coir yarn, - the following materials: - yarn of polytetrafluoroethylene(2), - yarn, multiple, of polyamide, coated impregnated or covered with a phenolic resin, - yarn of synthetic textile fibres of aromatic polyamides, obtained by polycondensation of m-phenylenediamine and isophthalic acid, - monofil of polytetrafluoroethylene(2) - yarn of synthetic textile fibres of poly-p-phenylene terephthalamide, - glass fiber yarn, coated with phenol resin and gimped with acrylic yarn(2) - copolyester monofilaments of a polyester and a resin of terephthalic acid and 1,4-cyclohexanediethanol and isophthalic acid, - natural fibers, - man-made staple fibres not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp Manufacture from(1): - coir yarn, - natural fibers, - man-made staple fibres not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp
Chapter 60	Knitted or crocheted fabrics	Manufacture from(1): - natural fibers, - man-made staple fibres not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.
(2) The use of this material is restricted to the manufacture of woven fabrics of a kind used in papermaking machinery.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted: - Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form - Other	Manufacture from yarn(1-2) Manufacture from(1): - natural fibers, - man-made staple fibres not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp
ex Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted; except for:	Manufacture from yarn(1-2)
ex 6202, ex 6204, ex 6206, ex 6209 and ex 6211	Women's, girls' and babies' clothing and clothing accessories for babies, embroidered	Manufacture from yarn(1) or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product(1)
ex 6210 and ex 6216	Fire-resistant equipment of fabric covered with foil of aluminized polyester	Manufacture from yarn(1) or Manufacture from uncoated fabric provided the value of the uncoated fabric used does not exceed 40% of the ex-works price of the product(1)
6213 and 6214	Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like: - Embroidered - Other	Manufacture from unbleached single yarn(1-2) or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product(1) Manufacture from unbleached single yarn(1-2) or Making up followed by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted goods of heading Nos 6213 and 6214 used does not exceed 47.5% of the ex-works price of the product

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.
(2) See Introductory Note 6.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
6217	Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading No 6212: - Embroidered - Fire-resistant equipment of fabric covered with foil of aluminized polyester - Interlinings for collars and cuffs, cut out - Other	Manufacture from yarn ⁽¹⁾ or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product ⁽¹⁾ Manufacture from yarn ⁽¹⁾ or Manufacture from uncoated fabric provided the value of the uncoated fabric used does not exceed 40% of the ex-works price of the product ⁽¹⁾ Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture from yarn ⁽¹⁾
ex Chapter 63	Other made-up textile articles; sets; worn clothing and worn textile articles; rags; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
6301 to 6304	Blankets, traveling rugs, bed linen etc.; curtains etc.; other furnishing articles: - Of felt, of non wovens - Other: - Embroidered - Other	Manufacture from ⁽²⁾ : - natural fibers, or - chemical materials or textile pulp Manufacture from unbleached single yarn ⁽²⁻³⁾ or Manufacture from unembroidered fabric (other than knitted or crocheted) provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product Manufacture from unbleached single yarn ⁽²⁻³⁾
6305	Sacks and bags, of a kind used for the packing of goods	Manufacture from ⁽²⁾ : - natural fibres, - man-made staple fibres not carded or combed or otherwise processed for spinning, or - chemical materials or textile pulp
6306	Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods:	

(1) See Introductory Note 6.

(2) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

(3) For knitted or crocheted articles, not elastic or rubberized, obtained by sewing or assembly pieces of knitted or crocheted fabrics (cut out or knitted directly to shape), see Introductory Note 6.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
	- Of non wovens - Other	Manufacture from ⁽²⁻³⁾ : - natural fibres, or - chemical materials or textile pulp Manufacture from unbleached single yarn ⁽²⁻³⁾
6307	Other made-up articles, including dress patterns	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered tablecloths or serviettes, or similar textile articles, put up in packings for retail sale	Each item in the set must satisfy the rule, which would apply to it if it were not included in the set. However, non-originating articles may be incorporated provided their total value does not exceed 15% of the ex-works price of the set
ex Chapter 64	Footwear, gaiters and the like; except for:	Manufacture from materials of any heading except for assemblies of uppers affixed to inner soles or to other sole components of heading No 6406
6406	Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 65	Headgear and parts thereof, except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
6503	Felt hats and other felt headgear, made from the hat bodies, hoods or plateaux of heading No 6501, whether or not lined or trimmed	Manufacture from yarn or textile fibers ⁽¹⁾
6505	Hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed; hairnets of any material, whether or not lined or trimmed	Manufacture from yarn or textile fibers ⁽¹⁾
ex Chapter 66	Umbrellas, sun umbrellas, walking sticks, seat-sticks, whips, riding-crops, and parts thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
6601	Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas)	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 67	Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair	Manufacture in which all the materials used are classified within a heading other than that of the product

(1) See Introductory Note 6.

(2) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex Chapter 68	Articles of stone, plaster, cement, asbestos, mica or similar materials; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 6803	Articles of slate or of agglomerated slate	Manufacture from worked slate
ex 6812	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture from materials of any heading
ex 6814	Articles of mica, including agglomerated or reconstituted mica, on a support of paper, paperboard or other materials	Manufacture from worked mica (including agglomerated or reconstituted mica)
Chapter 69	Ceramic products	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 70	Glass and glassware; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 7003 ex 7004 and ex 7005	Glass with a non-reflecting layer	Manufacture from materials of heading No 7001
7006	Glass of heading No 7003, 7004 or 7005, bent, edgeworked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials: - glass plate substrate coated with dielectric thin film, semi-conductor grade, in accordance with SEMII standards ⁽¹⁾ - other	Manufacture from non-coated glass plate substrate of heading No 7006 Manufacture from materials of heading No 7001
7007	Safety glass, consisting of toughened (tempered) or laminated glass	Manufacture from materials of heading No 7001
7008	Multiple-walled insulating units of glass	Manufacture from materials of heading No 7001
7009	Glass mirrors, whether or not framed, including rear-view mirrors	Manufacture from materials of heading No 7001
7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass	Manufacture in which all the materials used are classified within a heading other than that of the product or Cutting of glassware, provided the value of the uncut glassware does not exceed 50% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading No 7010 or 7018)	Manufacture in which all the materials used are classified within a heading other than that of the product or Cutting of glassware, provided the value of the uncut glassware does not exceed 50% of the ex-works price of the product or Hand-decoration (with the exception of silk-screen printing) of hand-blown glassware, provided the value of the hand-blown glassware does not exceed 50% of the ex-works price of the product
ex 7019	Articles (other than yarn) of glass fibers	Manufacture from: - uncoloured slivers, rovings, yarn or chopped strands, or - glass wool
ex Chapter 71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 7101	Natural or cultured pearls, graded and temporarily strung for convenience of transport	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 7102, ex 7103 and ex 7104	Worked precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture from unworked precious or semi-precious stones
7106, 7108 and 7110	Precious metals: - Unwrought	Manufacture from unwrought precious or semi-precious stones Manufacture from materials not classified within heading No 7106, 7108 or 7110 or Electrolytic, thermal or chemical separation of precious metals of heading No 7106, 7108 or 7110 or Alloying of precious metals of heading No 7106, 7108 or 7110 with each other or with base metals
	- Semi-manufactured or in powder form	Manufacture from unwrought precious metals
ex 7107, ex 7109 and ex 7111	Metals clad with precious metals, semi-manufactured	Manufacture from metals clad with precious metals, unwrought
7116	Articles of natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
7117	Imitation jewellery	Manufacture in which all the materials used are classified within a heading other than that of the product or

(1) SEMII-Semiconductor Equipment and Materials Institute Incorporated.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
		Manufacture from base metal parts, not plated or covered with precious metals, provided the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 72	Iron and steel; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
7207	Semi-finished products of iron or non-alloy steel	Manufacture from materials of heading No 7201, 7202, 7203, 7204 or 7205
7208 to 7216	Flat-rolled products, bars and rods, angles, shapes and sections of iron or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206
7217	Wire of iron or non-alloy steel	Manufacture from semi-finished materials of heading No 7207
ex 7218, 7219 to 7222	Semi-finished products, flat-rolled products, bars and rods, angles, shapes and sections of stainless steel	Manufacture from ingots or other primary forms of heading No 7218
7223	Wire of stainless steel	Manufacture from semi-finished materials of heading No 7218
ex 7224, 7225 to 7228	Semi-finished products, flat-rolled products, hot-rolled bars and rods, in irregularly wound coils; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206, 7218 or 7224
7229	Wire of other alloy steel	Manufacture from semi-finished materials of heading No 7224
ex Chapter 73	Articles of iron or steel; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 7301	Sheet piling	Manufacture from materials of heading No 7206
7302	Railway or tramway track construction materials of iron or steel, the following: rails, checkrails and rack rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, soleplates (base plates), rail clips, bedplates, ties and other material specialized for jointing or fixing rails	Manufacture from materials of heading No 7206
7304, 7305 and 7306	Tubes, pipes and hollow profiles, of iron (other than cast iron) or steel	Manufacture from materials of heading No 7206, 7207, 7218 or 7224

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex 7307	Tube or pipefittings of stainless steel (ISO No X5CrNiMo 1712), consisting of several parts	Turning, drilling, reaming, threading, deburring and sandblasting of forged blanks the value of which does not exceed 35% of the ex-works price of the product
7308	Structures (excluding prefabricated buildings of heading No 9406) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frame-works, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture in which all the materials used are classified within a heading other than that of the product. However, welded angles, shapes and sections of heading No 7301 may not be used
ex 7315	Skid chain	Manufacture in which the value of all the materials of heading No 7315 used does not exceed 50% of the ex-works price of the product
ex Chapter 74	Copper and articles thereof; except for:	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
7401	Copper mattes; cement copper (precipitated copper)	Manufacture in which all the materials used are classified within a heading other than that of the product
7402	Unrefined copper; copper anodes for electrolytic refining	Manufacture in which all the materials used are classified within a heading other than that of the product
7403	Refined copper and copper alloys, unwrought: - Refined copper	Manufacture in which all the materials used are classified within a heading other than that of the product
	- Copper alloys and refined copper containing other elements	Manufacture from refined copper, unwrought, or waste and scrap of copper
7404	Copper waste and scrap	Manufacture in which all the materials used are classified within a heading other than that of the product
7405	Master alloys of copper	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 75	Nickel and articles thereof; except for:	Manufacture in which: - all the materials used are classified within a heading other than that of the product;

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
7501 to 7503	Nickel mattes, nickel oxide sinters and other intermediate products of nickel metallurgy; unwrought nickel; nickel waste and scrap	- the value of all the materials used does not exceed 50% of the ex-works price of the product Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 76	Aluminium and articles thereof; except for:	Manufacture in which: - all the materials used reclassified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
7601	Unwrought aluminium	Manufacture in which: - all the materials used reclassified within a heading other than that of the product; and - the value of all the materials used does not exceed 50% of the ex-works price of the product or Manufacture by thermal or electrolytic treatment from unalloyed aluminium or waste and scrap of aluminium
7602	Aluminium waste or scrap	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 7616	Aluminium articles other than gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, and expanded metal of aluminium	Manufacture in which: - all the materials used are classified within a heading other than that of the product. However, gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, or expanded metal of aluminium may be used; - the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 77	Reserved for possible future use in HS	
ex Chapter 78	Lead and articles thereof; except for:	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
7801	Unwrought lead: - Refined lead - Other	Manufacture from "bullion" or "work" lead Manufacture in which all the materials used are classified within a heading other than that of the product. However, waste and scrap of heading No 7802 may not be used
7802	Lead waste and scrap	Manufacture in which all the materials used are classified within a heading other than that of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex Chapter 79	Zinc and articles thereof; except for:	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
7901	Unwrought zinc	Manufacture in which all the materials used are classified within a heading other than that of the product. However, waste and scrap of heading No 7902 may not be used
7902	Zinc waste and scrap	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 80	Tin and articles thereof; except for:	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
8001	Unwrought tin	Manufacture in which all the materials used are classified within a heading other than that of the product. However, waste and scrap of heading No 8002 may not be used
8002 and 8007	Tin waste and scrap; other articles of tin	Manufacture in which all the materials used are classified within a heading other than that of the product
Chapter 81	Other base metals; cermets; articles thereof: - Other base metals, wrought; articles thereof - Other	Manufacture in which the value of all the materials classified within the same heading, as the product used does not exceed 50% of the ex-works price of the product Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
8206	Tools of two or more of the heading Nos 8202 to 8205, put up in sets for retail sale	Manufacture in which all the materials used are classified within a heading other than heading Nos 8202 to 8205. However, tools of heading Nos 8202 to 8205 may be incorporated into the set provided their value does not exceed 15% of the ex-works price of the set

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
8207	Interchangeable tools for hand tools, whether or not power-operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning, or screw driving), including dies for drawing or extruding metal, and rock drilling or earth boring tools	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product
8208	Knives and cutting blades, for machines or for mechanical appliances	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading No 8208	Manufacture in which all the materials used are classified within a heading other than that of the product. However, knife blades and handles of base metal may be used
8214	Other articles of cutlery (for example, hair clippers, butchers' or kitchen cleavers, choppers and mincing knives, paperknives); manicure or pedicure sets and instruments (including nail files)	Manufacture in which all the materials used are classified within a heading other than that of the product. However, handles of base metal may be used
8215	Spoons, forks, ladles, skimmers, cake-servers, fish knives, butter-knives, sugar tongs and similar kitchen or tableware	Manufacture in which all the materials used are classified within a heading other than that of the product. However, handles of base metal may be used
ex Chapter 83	Miscellaneous articles of base metal; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 8302	Other mountings, fittings and similar articles suitable for buildings, and automatic door closers	Manufacture in which all the materials used are classified within a heading other than that of the product. However, the other materials of heading No 8302 may be used provided their value does not exceed 20% of the ex-works price of the product
ex 8306	Statuettes and other ornaments, of base metal	Manufacture in which all the materials used are classified within a heading other than that of the product. However, the other materials of heading No 8306 may be used provided their value does not exceed 30% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for:	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
ex 8401	Nuclear fuel elements	Manufacture in which all the materials used are classified within a heading other than that of the product ⁽¹⁾ Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the final product
8402	Steam or other vapour generating boilers (other than central heating hot water boilers capable also of producing low pressure steam); super heated water boilers	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8403 and ex 8404	Central heating boilers other than those of heading No 8402 and auxiliary plant for central heating boilers	Manufacture in which all the materials used are classified within a heading other than heading No 8403 or 8404 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8406	Steam turbines and other vapour turbines	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8409	Parts suitable for use solely or principally with the engines of heading No 8407 or 8408	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8411	Turbo-jets, turbo propellers and other gas turbines	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product

(1) This rule shall apply until 31 December 2005.

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
8412	Other engines and motors	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8413	Rotary positive displacement pumps	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
ex 8414	Industrial fans, blowers and the like	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading No 8415	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product; - the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
ex 8419	Machines for wood, paper pulp and paperboard industries	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
8420	Calendaring or other rolling machines, other than for metals or glass, and cylinders therefor	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8423	Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight operated counting or checking machines; weighing machine weights of all kinds	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8425 to 8428	Lifting, handling, loading or unloading machinery	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within heading No 8431 are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8429	Self-propelled bulldozers, angledozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers: - Road rollers - Other	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within heading No 8431 are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, mine-rals or ores; pile-drivers and pile-extractors; snow-ploughs and snow-blowers	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the value of the materials classified within heading No 8431 are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
ex 8431	Parts suitable for use solely or principally with road rollers	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8439	Machinery for making pulp of fibrous cellulosic material or for making or finishing paper or paperboard	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8441	Other machinery for making up paper pulp, paper or paperboard, including cutting machines of all kinds	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8444 to 8447	Machines of these headings for use in the textile industry	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8448	Auxiliary machinery for use with machines of headings Nos 8444 and 8445	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8452	Sewing machines, other than book-sewing machines of heading No8440; furniture, bases and covers specially designed for sewing machines; sewing machine needles: - Sewing machines (lockstitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg with motor	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product;

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
	- Other	- where the value of all the non-originating materials used in assembling the head (without motor) does not exceed the value of the originating materials used; - the thread tension, crochet and zigzag mechanisms used are already originating Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8456 to 8466	Machine-tools and machines and their parts and accessories of headings Nos 8456 to 8466	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8469 to 8472	Office machines (for example, typewriters, calculating machines, automatic data processing machines, duplicating machines, stapling machines)	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8480	Moulding boxes for metal foundry; mould bases; moulding patterns; moulds for metal (other than ingot moulds), metal carbides, glass, mineral materials, rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
8482	Ball or roller bearings	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8484	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal; sets or assortments of gaskets and similar joints, dissimilar in composition, put up in pouches, envelopes or similar packings; mechanical seals	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8485	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles; except for:	Manufacture in which - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8501	Electric motors and generators (excluding generating sets)	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within heading No 8503 are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8502	Electric generating sets and rotary converters	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within heading No 8501 or 8503, taken together, are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
ex 8504	Power supply units for automatic data-processing machines	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex 8518	Microphones and stands thereof; loudspeakers, whether or not mounted in their enclosures; audio-frequency electric amplifiers; electric sound amplifier sets	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8519	Turntables (record-decks), record players, cassette-players and other sound reproducing apparatus, not incorporating a sound recording device	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
8520	Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound-reproducing device	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8521	Video recording or reproducing apparatus, whether or not incorporating a video tuner	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8522	Parts and accessories suitable for use solely or principally with the apparatus of heading Nos 8519 to 8521	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8523	Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of Chapter 37	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8524	Records, tapes and other recorded media for sound or other similarly recorded phenomena, including matrices and masters for the production of records, but excluding products of Chapter 37:	
	- Matrices and masters for the production of records	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
	- Other	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within heading No 8523 are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
8525	Transmission apparatus for radio-telephony, radio-telegraphy, radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras; still image video cameras and other video camera recorders	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8527	Reception apparatus for radiotelephony, radiotelegraphy or radio broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8528	Reception apparatus for television, whether or not incorporating radiobroadcast receivers or sound or video recording or reproducing apparatus; video monitors and video projectors	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8529	Parts suitable for use solely or principally with the apparatus of heading Nos 8525 to 8528: - Suitable for use solely or principally with video recording or reproducing apparatus - Other	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product;

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
8535 and 8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits	- where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8537	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading No 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, and numerical control apparatus, other than switching apparatus of heading No 8517	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
ex 8541	Diodes, transistors and similar semiconductor devices, except wafers not yet cut into chips	Manufacture in which: - all the materials used reclassified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
8542	Electronic integrated circuits and microassemblies	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within heading No 8541 or 8542, taken together, are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
8544	Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made-up of individually sheathed fibers, whether or not assembled with electric conductors or fitted with connectors	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8546	Electrical insulators of any material	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating materials apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly other than insulators of heading No 8546; electrical conduit tubing and joints therefore, of base metal lined with insulating material	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8548	Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signaling equipment of all kinds; except for:	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8608	Railway or tramway track fixtures and fittings; mechanical (including electro-mechanical) signaling, safety or traffic control equipment for railways, tramways, roads, inland waterways, parking facilities, port installations or airfields; parts of the foregoing	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex Chapter 87	Vehicles other than railway or tramway rolling stock, and parts and accessories thereof; except for:	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8710	Tanks and other armoured fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
8711	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars: - With reciprocating internal combustion piston engine of a cylinder capacity: - Not exceeding 50 cc	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 20% of the ex-works price of the product
	- Exceeding 50 cc	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
	- Other	<p>Manufacture:</p> <ul style="list-style-type: none"> - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
ex 8712	Bicycles without ball bearings	<p>Manufacture from materials not classified in heading No 8714</p> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8715	Baby carriages and parts thereof	<p>Manufacture in which:</p> <ul style="list-style-type: none"> - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof	<p>Manufacture in which:</p> <ul style="list-style-type: none"> - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
ex Chapter 88	Aircraft, spacecraft, and parts thereof; except for:	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
ex 8804	Rotochutes	<p>Manufacture from materials of any heading including other materials of heading No 8804</p> <p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
8805	Aircraft launching gear; deck-arrestor or similar gear; ground flying trainers; parts of the foregoing articles	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
Chapter 89	Ships, boats and floating structures	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, hulls of heading No 8906 may not be used</p> <p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof; except for:	<p>Manufacture in which:</p> <ul style="list-style-type: none"> - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>
9001	Optical fibers and optical fiber bundles; optical fiber cables other than those of heading No 8544; sheets and plates of polarizing material; lenses (including contact lenses), prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
9004	Spectacles, goggles and the like, corrective, protective or other	<p>Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product</p>
ex 9005	Binoculars, monoculars, other optical telescopes, and mountings therefor, except for astronomical refracting telescopes and mountings therefore	<p>Manufacture in which:</p> <ul style="list-style-type: none"> - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product; - the value of all the non-originating materials used does not exceed the value of the originating materials used <p>Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product</p>

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex 9006	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs other than electrically ignited flashbulbs	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product; - the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9007	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product; - the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9011	Compound optical microscopes, including those for photomicrography, cinephotomicrography or microprojection	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product; - the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
ex 9014	Other navigational instruments and appliances	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9015	Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9016	Balances of a sensitivity of 5 cg or better, with or without weights	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
9017	Drawing, marking-out or mathematical calculating instruments (for example, drafting machines, pantographs, protractors, drawing sets, slide rules, disc calculators); instruments for measuring length, for use in the hand (for example, measuring rods and tapes, micrometers, calipers), not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9018	Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments: - Dentists' chairs incorporating dental appliances or dentists' spittoons - Other	Manufacture from materials of any heading, including other materials of heading No 9018 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which: - all the materials used reclassified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
9019	Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus	Manufacture in which: - all the materials used reclassified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
9020	Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 25% of the ex-works price of the product
9024	Machines and appliances for testing the hardness, strength, compressibility, elasticity or other mechanical properties of materials (for example, metals, wood, textiles, paper, plastics)	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading No 9014, 9015, 9028 or 9032	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9028	Gas, liquid or electricity supply or production meters, including calibrating meters therefor: - Parts and accessories - Other	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9029	Revolution counters, production counters, taximeters, mileometers, pedometers and the like; speed indicators and tachometers, other than those of heading Nos 9014 or 9015; stroboscopes	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
9030	Oscilloscopes, spectrum analyzers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading No 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9031	Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this Chapter; profile projectors	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9032	Automatic regulating or controlling instruments and apparatus	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9033	Parts and accessories (not specified or included elsewhere in this Chapter) for machines, appliances, instruments or apparatus of Chapter 90	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
ex Chapter 91	Clocks and watches and parts thereof; except for:	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9105	Other clocks	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9109	Clock movements, complete and assembled	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where the value of all the non-originating materials used does not exceed the value of the originating materials used Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
9110	Complete watch or clock movements, unassembled or partly assembled (movement sets); incomplete watch or clock movements, assembled; rough watch or clock movements	Manufacture: - in which the value of all the materials used does not exceed 40% of the ex-works price of the product; - where, within the above limit, the materials classified within heading No 9114 are only used up to a value of 10% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9111	Watch cases and parts thereof	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9112	Clock cases and cases of a similar type for other goods of this Chapter, and parts thereof	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 30% of the ex-works price of the product
9113	Watch straps, watchbands and watch bracelets, and parts thereof: - Of base metal, whether or not gold- or silver-plated, or of metal clad with precious metal - Other	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
Chapter 92	Musical instruments; parts and accessories of such articles	Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
Chapter 93	Arms and ammunition; parts and accessories thereof	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like; prefabricated buildings; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product Manufacture in which the value of all the materials used does not exceed 40% of the ex works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
ex 9401 and ex 9403	Base metal furniture, incorporating unstuffed cotton cloth of a weight of 300 g/m2 or less	Manufacture in which all the materials used are classified in a heading other than that of the product or Manufacture from cotton cloth already made up in a form ready for use of heading No 9401 or 9403, provided: - its value does not exceed 25% of the ex-works price of the product; - all the other materials used are already originating and are classified in a heading other than heading No 9401 or 9403 Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
9405	Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
9406	Prefabricated buildings	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product
ex Chapter 95	Toys, games and sports requisites; parts and accessories thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
9503	Other toys; reduced-size("scale") models and similar recreational models, working or not; puzzles of all kinds	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 9506	Golf clubs and parts thereof	Manufacture in which all the materials used are classified within a heading other than that of the product. However, roughly shaped blocks for making golf club heads may be used
ex Chapter 96	Miscellaneous manufactured articles; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 9601 and ex 9602	Articles of animal, vegetable or mineral carving materials	Manufacture from "worked" carving materials of the same heading
ex 9603	Brooms and brushes (except for besoms and the like and brushes made from marten or squirrel hair), hand-operated mechanical floor sweepers, not motorized, paint pads and rollers, squeegees and mops	Manufacture in which the value of all the materials used does not exceed 50% of the ex-works price of the product

HS heading n° (1)	Description of product (2)	Working or processing carried out on non-originating materials that confers originating status (3) or (4)
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning	Each item in the set must satisfy the rule, which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided their total value does not exceed 15% of the ex-works price of the set
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
9608	Ball-point pens; felt-tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; penholders, pencil-holders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading No 9609	Manufacture in which all the materials used are classified within a heading other than that of the product. However, nibs or nib-points classified within the same heading may be used
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink-pads, whether or not inked, with or without boxes	Manufacture in which: - all the materials used are classified within a heading other than that of the product; - the value of all the materials used does not exceed 50% of the ex-works price of the product
ex 9613	Lighters with piezo-igniter	Manufacture in which the value of all the materials of heading No 9613 used does not exceed 30% of the ex-works price of the product
ex 9614	Smoking pipes and pipe bowls	Manufacture from roughly shaped blocks
Chapter 97	Works of art, collectors' pieces and antiques	Manufacture in which all the materials used are classified within a heading other than that of the product

ANNEXE III TO PROTOCOL 1 Overseas Countries and Territories

Within the meaning of this Protocol "overseas countries and territories" shall mean the countries and territories referred to in Part Four of the Treaty establishing the European Community listed below:

(This list does not prejudice the status of these countries and territories, or future changes in their status.)

1. Country having special relations with the Kingdom of Denmark:
 - Greenland.
2. Overseas territories of the French Republic:
 - New Caledonia,
 - French Polynesia,
 - French Southern and Antarctic Territories,
 - Wallis and Futuna Islands.
3. Territorial collectivities of the French Republic:
 - Mayotte,
 - Saint Pierre and Miquelon.
4. Overseas countries of the Kingdom of the Netherlands:
 - Aruba,
 - Netherlands Antilles:
 - Bonaire,
 - Curaçao,
 - Saba,
 - Sint Eustatius,
 - Sint Maarten.
5. British overseas countries and territories :
 - Anguilla,
 - Cayman Islands,
 - Falkland Islands,
 - South Georgia and South Sandwich Islands,
 - Montserrat,
 - Pitcairn,
 - Saint Helena, Ascension Island, Tristan da Cunha
 - British Antarctic Territory,
 - British Indian Ocean Territory,
 - Turks and Caicos Islands,
 - British Virgin Islands.

ANNEXE IV TO PROTOCOL 1 Form for movement certificate

1. Movement certificates EUR.1 shall be made out on the form of which a specimen appears in this Annex. This form shall be printed in one or more of the languages in which the Agreement is drawn up. Certificates shall be made out in one of these languages and in accordance with the provisions of the domestic law of the exporting State if they are handwritten, they shall be completed in ink and in capital letters.
2. Each certificate shall measure 210 x 297 mm, a tolerance of up to plus 8 mm or minus 5 mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 25g/m². It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
3. The exporting States may reserve the right to print the certificates themselves or may have them printed by approved printers. In the latter case each certificate must include a reference to such approval. Each certificate must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

MOVEMENT CERTIFICATE									
1. Exporter (name, full address, country)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">EUR.1</td> <td style="width: 33%; text-align: center;">No A</td> <td style="width: 33%; text-align: right;">000.000</td> </tr> <tr> <td colspan="3" style="text-align: center; font-size: small;">See notes overleaf before completing this form</td> </tr> </table>			EUR.1	No A	000.000	See notes overleaf before completing this form		
EUR.1	No A	000.000							
See notes overleaf before completing this form									
3. Consignee (name, full address, country) (Optional)	2. Certificate used in preferential trade between and <i>(insert appropriate countries, groups of countries or territories)</i>								
6. Transport details (Optional)	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	7. Remarks						
8. Item number; Marks and numbers; Number and kind of package⁽¹⁾; Description of goods	9. Gross mass (kg) or other measure (litres, m³, etc.)	10. Invoices (Optional)							
11. CUSTOMS ENDORSEMENT Declaration certified Export document ⁽²⁾ Form No Customs office Issuing country or territory Date (Signature)	Stamp	12. DECLARATION BY THE EXPORTER I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate. Place and date (Signature)							

(1) If goods are not packed, indicate number of articles or state "In bulk" as appropriate
 (2) Complete only where the regulations of the exporting country or territory require

13. Request for verification, to: Verification of the authenticity and accuracy of this certificate is requested (Place and date) Stamp (Signature)	14. Result of verification Verification carried out shows that this certificate (*) <input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate. <input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended). (Place and date) Stamp (Signature) (*) Insert X in the appropriate box.
--	---

NOTES

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

APPLICATION FOR A MOVEMENT CERTIFICATE			
1. Exporter (name, full address, country) (Optional)	EUR.1 No A 000.000 <small>See notes overleaf before completing this form</small>		
3. Consignee (name, full address, country) (Optional)	2. Application for a certificate to be used in preferential trade between and <small>(insert appropriate countries or groups of countries or territories)</small>		
6. Transport details (Optional)	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	7. Remarks
8. Item number; Marks and numbers; Number and kind of packages (°); Description of goods	9. Gross mass (kg) or other measure (litres,m³,etc.)	10. Invoices (Optional)	

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

DECLARATION BY THE EXPORTER

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

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

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

.....

SUBMIT the following supporting documents⁽¹⁾:

.....

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

REQUEST the issue of the attached certificate for these goods.

.....

(Place and date)

.....

(Signature)

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

ANNEXE V

TO PROTOCOL 1

Invoice declaration

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

English version

The exporter of the products covered by this document (customs authorization No...⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of... preferential origin ⁽²⁾.

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera n° ... ⁽¹⁾) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ... ⁽²⁾.

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ... ⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... ⁽²⁾.

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... ⁽¹⁾), der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ... Ursprungswaren sind ⁽²⁾

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ αριθ. ...⁽¹⁾) δηλώνει ότι εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτίμιακής καταγωγής ...⁽²⁾.

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ...⁽¹⁾), déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ...⁽²⁾.

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n. ... ⁽¹⁾) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ...⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ...⁽¹⁾) verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn⁽²⁾.

⁽¹⁾ When the invoice declaration is made out by an approved exporter within the meaning of Article 20 of the Protocol, the authorization number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

⁽²⁾ Origin of products to be indicated. When the invoice declaration relates in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 39 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

Portuguese version

O abaixo assinado, exportador dos produtos cobertos pelo presente documento (autorização aduaneira n° ...⁽¹⁾), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ...⁽²⁾.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupan:o ...⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ...⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung⁽²⁾.

..... ⁽³⁾

(Place and date)

.....⁽⁴⁾

(Signature of the exporter; in addition the name of the person signing the declaration has to be indicated in clear script)

⁽³⁾ These indications may be omitted if the information is contained on the document itself.

⁽⁴⁾ See Article 19(5) of the Protocol. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

ANNEXE VI A TO PROTOCOL 1

Supplier declaration for products having preferential origin status

I, the undersigned, declare that the goods listed on this invoice
⁽¹⁾
 were produced in⁽²⁾ and satisfy the rules of origin
 governing preferential trade between the ACP States and the European Community.
 I undertake to make available to the customs authorities, if required, evidence in
 support of this declaration.

.....⁽³⁾
⁽⁴⁾
⁽⁵⁾

Note

The abovementioned text, suitably completed in conformity with the footnotes below, constitutes a supplier's declaration. The footnotes do not have to be reproduced.

- (1) *If only some of the goods listed on the invoice are concerned they should be clearly indicated or marked and this marking entered on the declaration as follows: "..... listed on this invoice and markedwere produced". If a document other than an invoice or an annexe to the invoice is used (see Article 26(3)), the name of the document concerned shall be mentioned instead of the word "invoice".*
- (2) *The Community, Member State, ACP State or OCT. Where an ACP State or an OCT is given, a reference must also be made to the Community customs office holding any EUR.1 (s) concerned, giving the No of the certificate(s) concerned and, if possible, the relevant customs entry No involved.*
- (3) *Place and date.*
- (4) *Name and function in company.*
- (5) *Signature.*

ANNEXE VI B TO PROTOCOL 1

Supplier declaration for products not having preferential original status

I, the undersigned, declare that the goods listed on this invoice
⁽¹⁾ were produced in⁽²⁾
 and incorporate the following components or materials which do not have ACP, OCT
 or Community origin for preferential trade:

.....⁽³⁾⁽⁴⁾
⁽⁵⁾

⁽⁶⁾

I undertake to make available to the customs authorities, if required,
 evidence in support of this declaration.

.....⁽⁷⁾⁽⁸⁾
⁽⁹⁾

Note

The abovementioned text, suitably completed in conformity with the footnotes below, constitutes a supplier's declaration. The footnotes do not have to be reproduced.

- (1) *If only some of the goods listed on the invoice are concerned they should be clearly indicated or marked and this marking entered on the declaration as follows: "..... listed on this invoice and markedwere produced". If a document other than an invoice or an annexe to the invoice is used (see Article 26(3)), the name of the document concerned shall be mentioned instead of the word "invoice".*
- (2) *The Community, Member State, ACP State, OCT or South Africa.*
- (3) *Description is to be given in all cases. The description must be adequate and should be sufficiently detailed to allow the tariff classification of the goods concerned to be determined.*
- (4) *Customs values to be given only if required.*
- (5) *Country of origin to be given only if required. The origin to be given must be a preferential origin, all other origins to be given as "third country".*
- (6) *"and have undergone the following processing in [the Community] [Member State] [ACP State] [OCT] [South Africa] , to be added with a description of the processing carried out if this information is required.*
- (7) *Place and date.*
- (8) *Name and function in company.*
- (9) *Signature.*

ANNEXE VII TO PROTOCOL 1

Information Certificate

1. The form of information certificate given in this Annexe shall be used and be printed in one or more of the official languages in which the Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting State. Information certificates shall be completed in one of those languages; if they are handwritten, they shall be completed in ink in capital letters. They shall bear a serial number, whether or not printed, by which they can be identified.
2. The information certificate shall measure 210 x 297 mm, a tolerance of up to plus 8 mm or minus 5 mm in the length may be allowed. The paper must be white, sized for writing, not containing mechanical pulp and weighing not less than 25g/m².
3. The national administrators may reserve the right to print the forms themselves or may have them printed by printers approved by them. In the latter case, each form must include a reference to such approval. The forms shall bear the name and address of the printer or a mark by which the printer can be identified.

European Communities				
1. Supplier(s)		INFORMATION CERTIFICATE to facilitate the issue of a MOVEMENT CERTIFICATE for preferential trade between the <div style="border: 1px solid black; padding: 5px; text-align: center;"> EUROPEAN COMMUNITY and THE ACP STATES </div>		
2. Consignee (1)				
3. Processor (1)		4. State in which the working or processing has been carried out		
6. Customs office of importation (1)		5. For official use		
7. Import document (2)				
Form No				
Series:				
Date: [] [] []				
GOODS SENT TO THE MEMBER STATES OF DESTINATION				
8. Marks, numbers, quantity and kind of package		9. Harmonised Commodity Description and Coding System heading/subheading number (HS code)		10. Quantity (3)
				11. Value (4)
IMPORTED GOODS USED				
12. Harmonised Commodity Description and Coding System heading/subheading number (HS code)		13. Country of origin	14. Quantity (5)	15. Value (5)
16. Nature of the working or processing carried out				
17. Remarks				
18. CUSTOMS ENDORSEMENT		19. DECLARATION BY THE SUPPLIER		
Declaration certified:		1. the undersigned, declare that the information on this certificate is accurate.		
Document		
Form		
Customs office		(Place) [] [] [] (Date)		
Date: [] [] []			
<div style="border: 1px solid black; padding: 2px;"> Official Stamp </div>		<div style="border: 1px solid black; padding: 2px;"> Official Stamp </div>		
..... (Signature)	 (Signature)		
(1)(2)(3)(4)(5) See footnotes on verso				

REQUEST FOR VERIFICATION	RESULT OF VERIFICATION
The undersigned customs official requests verification of the authenticity and accuracy of this information certificate.	Verification carried out by the undersigned customs official shows that this information certificate:
	a) was issued by the customs office indicated and that the information contained therein is accurate (*)
	b) does not meet the requirements as to authenticity and accuracy (see notes appended) (**)
..... (Place and date) (Place and date)
<div style="border: 1px solid black; padding: 2px;"> Official stamp </div>	<div style="border: 1px solid black; padding: 2px;"> Official stamp </div>
..... (Official's signature) (Official's signature)
	(*) Delete where not applicable

CROSS REFERENCES

- (1) Name of individual or business and full address.
- (2) Optional information.
- (3) Kg, hl, m³ or other measure.
- (4) Packaging shall be considered as forming a whole with the goods contained therein. However, this provision shall not apply to packaging which is not of the normal type for the article packed, and which has a lasting utility value of its own, apart from its function as packaging.
- (5) The value must be indicated in accordance with the provisions on rules of origin.

ANNEXE VIII TO PROTOCOL 1

Form for application for a derogation

ANNEX VIII TO PROTOCOL 1 Form for application for a derogation	
1. Commercial description of the finished product 1.1 Customs classification (H.S. code)	2. Anticipated annual quantity of exports to the Community (weight, No of pieces, meters or other unit)
3. Commercial description of third country materials Customs classification (H. S. code)	4. Anticipated annual quantity of third country materials to be used
5. Value of third country materials	6. Value of finished products
7. Origin of third country materials	8. Reasons why the rule of origin for the finished product can be fulfilled
9. Commercial description of materials originating in the ACP States, EC or OCT to be used	10. Anticipated annual quantity of ACP, EC or OCT materials to be used
11. Value of ACP, EC or OCT materials	12. Working or processing carried out in the EC or OCT on third country materials without obtaining origin
13. Duration requested for derogation from..... to.....	
14. Detailed description of working and processing in the ACP States:	15. Capital structure of the firm concerned
	16. Amount of investments made/foreseen
	17. Staff employed/expected
18. Value added by the working or processing in the ACP States: 18.1 Labour: 18.2 Overheads: 18.3 Others:	20. Possible developments to overcome the need for a derogation
19. Other possible sources of supply for materials	21. Observations

NOTES

1. If the boxes in the form are not sufficient to contain all relevant information, additional pages may be attached to the form. In this case, the mention "see annexe" shall be entered in the box concerned.
2. If possible, samples or other illustrative material (pictures, designs, catalogues, etc) of the final product and of the materials should accompany the form.
3. A form shall be completed for each product covered by the request.

Boxes 3, 4, 5, 7:

"Third country" means any country which is not an ACP or Community State or OCT.

Box 12:

If third country materials have been worked or processed in the Community or in the OCT without obtaining origin, before being further processed in the ACP State requesting the derogation, indicate the working or processing carried out in the Community or OCT.

Box 13:

The dates to be indicated are the initial and final one for the period in which EUR 1 certificates may be issued under the derogation.

Box 18:

Indicate either the percentage of added value in respect of the ex-works price of the product or the monetary amount of added-value for unit of product.

Box 19

If alternative sources of material exist, indicate here what they are and, if possible, the reasons of cost or other reasons why they are not used.

Box 20:

Indicate possible further investments or suppliers' differentiation which make the derogation necessary for only a limited period of time.

ANNEXE IX TO PROTOCOL 1

List of working or processing conferring the character of ACP origin on a product obtained when working or processing is carried out on textile materials originating in developing countries referred to in Article 6(11) of this Protocol

Textiles and textile articles falling within Section XI

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
ex 5101	Wool, not carded or combed - degreased, not carbonized	Manufacture from greasy, including piece-wasted wool, the value of which does not exceed 50% of the ex-works price of the product
ex 5103	- carbonized Waste of wool or of fine or coarse animal hair, carbonized	Manufacture from degreased wool, not carbonized the value of which does not exceed 50% of the ex-works price of the product Manufacture from non-carbonized waste, the value of which does not exceed 50% of the ex-works price of the product
ex 5201	Cotton, not carded or combed, bleached	Manufacture from raw cotton, the value of which does not exceed 50% of the ex-works price of the product
5501 to 5507	Man-made staple fibres - not carded or combed or otherwise processed for spinning - carded or combed or other,	Manufacture from chemical materials or textile pulp Manufacture from chemical materials or textile pulp or waste falling within CN code 5505
ex Chapter 50 to Chapter 55	Yarn monofilament and thread, other than paper yarn: - printed or dyed	Manufacture from: - natural fibres not carded or combed or otherwise processed for spinning, - chemical materials or textile pulp, or - paper making materials Manufacture from: - natural fibres not carded or combed or otherwise processed for spinning, - grege silk or silk waste - chemical materials or textile pulp, or man-made staple fibres, filament tow or waste of fibres, not carded or combed or otherwise prepared for spinning or Printing or dyeing of yarn or monofilaments, unbleached or prebleached (1), accompanied by preparatory or finishing operations, twisting or texturizing not being considered as such, the value of the non-originating material (including yarn), not exceeding 48% of the ex-works price of the product

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
	- other Woven fabrics, other than fabrics of paper yarn: - printed or dyed - other	Manufacture from: - natural fibres not carded or combed or otherwise processed for spinning, - grege silk or silk waste - chemical materials or textile pulp, or man-made staple fibres, filament tow or waste of fibres, not carded or combed or otherwise prepared for spinning Manufacture from yarn or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2) Manufacture from yarn
5601	Wadding of textile materials and articles thereof; textile fibres not exceeding 5 mm in length (flock), textile dust and mill neps	Manufacture from fibres
5602	Felt, whether or not impregnated, coated, covered or laminated: - printed or dyed - impregnated, coated, covered or laminated - other	Manufacture from fibres or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2) Impregnation, coating, covering or laminating of non-wovens, unbleached (1) Manufacture from fibres
5603	Non-wovens, whether or not impregnated, coated, covered or laminated - Printed or dyed - impregnated, coated, covered or laminated - other	Manufacture from fibres or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2) Impregnation, coating, covering or laminating of non-wovens, unbleached (1) Manufacture from fibres
5604	Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading No 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics: - Rubber thread and cord, textile covered - other	Manufacture from rubber thread or cord, not textile covered Impregnation, coating, covering or sheathing of textile yarn and strip and the like, unbleached
5607	Twine cordage, rope and cables, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics	Manufacture from fibres, coir yarn, synthetic or artificial filament yarn or monofilament

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
5609	Articles of yarn, strip or the like falling with CN codes 5404 or 5405, twine, cordage, rope or cables, not elsewhere specified or included	Manufacture from fibres, coir yarn, synthetic or artificial filament yarn or monofilament
5704	Carpets and other textile floor coverings:	Manufacture from fibres
ex Chapitre 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; - embroidery in the piece, in strips or in motifs (CN code 5810) - printed or dyed - impregnated, coated or covered - other	Manufacture in which the value of the materials used does not exceed 50% of the ex-works price of the product Manufacture from yarn or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾ Manufacture from unbleached fabrics, felt or non-wovens Manufacture from yarn
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	Manufacture from unbleached fabrics
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:	Manufacture from yarn
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those falling within CN code 5902	Manufacture from unbleached fabrics or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾

CN Code	Description of product	Ouvraison ou transformation appliquée à des matières non originaires confère le caractère de produit originaire
(1)	(2)	(3)
5904	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape	Manufacture from unbleached fabrics, felt or non-wovens
5905	Textile wall coverings	Manufacture from unbleached fabrics or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾
5906	Rubberized textile fabrics, other than those of heading No 5902:	Manufacture from bleached knitted or crocheted fabrics, or from other unbleached fabrics
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas, being theatrical scenery, studio backcloths or the like	Manufacture from unbleached fabrics or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾
5908	Textile wicks, woven, plaited or knitted, for lamps, stoves, lighters, candles and the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not, impregnated	Manufacture from yarn
5909	Textile hosepiping and similar textile tubing with or without lining, amour or accessories or other materials	Manufacture from yarn or fibres
5910	Transmission or conveyor belts or belting, of textile material, whether or not reinforced with metal or other materials	Manufacture from yarn or fibres
5911	Textile products and articles, for technical uses, specified in Note 7 to Chapter 59 of the combined nomenclature: - polishing discs or rings other than of felt - other	Manufacture from yarn, waste fabrics or rags falling within CN code 6310 Manufacture from yarn or fibres

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
Chaptre 60*	Knitted or crocheted fabrics - printed or dyed - other	Manufacture from yarn or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾ Manufacture from yarn
Chaptre 61	Articles of apparel and clothing accessories, knitted or crocheted: - obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form - Other	Complete making up ⁽⁴⁾ Manufacture from yarn
ex Chaptre 62* 6213 and 6214	Articles of apparel and clothing accessories, not knitted or crocheted; except those falling within CN codes 6213 and 6214 for which the rules are set out below: - finished or complete - unfinished or incomplete Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like: -embroidered -Other	Manufacture from yarn* Complete making up ⁽⁴⁾ Manufacture from yarn Manufacture from yarn or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product* Manufacture from yarn

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
6301 to ex 6306	Blankets and travelling rugs, bed linen, table linen, toilet linen and kitchen linen; curtains (including drapes) and interior blinds; curtain and bed valances; other furnishing articles (excluding those falling within CN code 9494); sacks and bags of a kind used for the packing of goods; tarpaulins, awnings, and camping goods; - Of felt, of non-wovens: - not impregnated, coated, covered or laminated - impregnated, coated, covered or laminated - other - knitted or crocheted - unembroidered - embroidered - not knitted or crocheted - unembroidered - embroidered	Manufacture from fibres Impregnation, coating, covering or laminating of felt or non-wovens, unbleached ⁽¹⁾ Complete making up ⁽⁴⁾ Complete making up ⁽⁴⁾ or Manufacture from unembroidered knitted or crocheted fabric provided the value of the unembroidered knitted or crocheted fabric used does not exceed 40% of the ex-works price of the product Manufacture from yarn Manufacture from yarn or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40% of the ex-works price of the product
6307	Other made-up textile articles, (including dress patterns), except for fans and hand screens, non-mechanical, frames and handles therefor and parts of such frames and handles - floor cloths, dish cloths, dusters and the like - other	Manufacture from yarn Manufacture in which the value of all the materials used does not exceed 40% of the ex-works price of the product
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes or similar textile articles, put up in packings for retail sale	Incorporation in a set in which the total value of all the non-originating articles incorporated does not exceed 25% of the ex-works price of the set

(1) The term "prebleached", used in the list in Annexe IX to characterize the level of manufacture required when certain non-originating materials are used, applies to certain yarns, woven fabrics and knitted or crocheted fabrics which have only been washed after the spinning or weaving operation.

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

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

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

* see also the products excluded from the derogation procedure listed in ANNEXE X.

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

The following is a list of examples of finishing operations:

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

Remarks concerning finishing operations – Special cases

It is possible that in particular manufacturing operations, the accomplishment of finishing operations, especially in the case of a combination of operations, is of such importance that these operations must be considered as going beyond simple finishing. In these particular cases, the non-accomplishing of finishing operations will deprive the making-up of its complete nature.

ANNEXE X TO PROTOCOL 1

Textile products excluded from the cumulation procedure with certain developing countries referred to in Article 6(11) of this Protocol

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

ANNEXE XI TO PROTOCOL 1

Products for which the cumulation provisions with South Africa referred to in Article 6(3) apply after 3 years from the provisional application of the Agreement on Trade, Development and Cooperation between the European Community and the Republic of South Africa

Industrial Products

Salt (including table salt and denatured salt):

25010051
25010091
25010099

Alkali or alkaline-earth metals; rare-earth metals:

28051100
28051900
28052100
28052200
28053010
28053090
28054010

Ammonia, anhydrous or in aqueous solution:

28141000
28142000

Sodium hydroxide (caustic soda):

28151100
28151200

Zinc oxide; zinc peroxide:

28170000

Artificial corundum:

28181000
28182000
28183000

Chromium oxides and hydroxides:

28191000
28199000

Manganese oxides:

28201000
28209000

Titanium oxides:

28230000

Hydrazine and hydroxylamine:

28258000

Chlorides, chloride oxides and chloride hydroxides:

28271000

Sulphides; polysulphides:

28301000

Phosphinates (hypophosphites), phosphonates:

28351000
28352200
28352300
28352400
28352510
28352590
28352610
28352690
28352910
28352990
28353100
28353910
28353930
28353970

Carbonates; peroxocarbonates (percarbonates):

28362000
28364000
28366000

Salts of oxometallic or peroxometallic acids:

28416100

Radioactive chemical elements:

28443011
28443019
28443051

Isotopes other than those of heading No 2844:

28451000
28459010

Carbides, whether or not chemically defined:

28492000
28499030

Hydrides, nitrides, azides, silicides and borides:

28500070

Cyclic hydrocarbons:

29025000

Halogenated derivatives of hydrocarbons:

29031100
29031200
29031300
29031400
29031500
29031600
29031910
29031990
29032100
29032300
29032900
29033010
29033031
29033033
29033038
29033090

29034100
29034200
29034300
29034410
29034490
29034510
29034515
29034520
29034525
29034530
29034535
29034540
29034545
29034550
29034555
29034590
29034610
29034620
29034690
29034700
29034910
29034920
29034990
29035190
29035910
29035930
29035990
29036100
29036200
29036910
29036990

Acyclic alcohols and their halogenated, sulphonated derivatives:

29051100
29051200
29051300
29051410
29051490
29051500
29051610
29051690
29051700
29051910
29051990
29052210
29052290
29052910
29052990
29053100
29053200
29053910
29053990

29054100
29054200
29054910
29054951
29054959
29054990
29055010
29055030
29055099

Phenols; phenol-alcohols:

29071100
29071500
29072210

Ethers, ether-alcohols, ether-phenols:

29091100
29091900
29092000
29093031
29093039
29093090
29094100
29094200
29094300
29094400
29094910
29094990
29095010
29095090
29096000

Epoxides, epoxyalcohols, epoxyphenols and epoxyethols:

29102000

Aldehydes, whether or not with other oxygen functions:

29124100
29126000

Ketones and quinones, whether or not with other oxygen functions:

29141100
29142100

Saturated acyclic monocarboxylic acids:

29151100
29151200
29151300

29152100
29152200
29152300
29152400
29152900
29153100
29153200
29153300
29153400
29153500
29153910
29153930
29153950
29153990
29154000
29155000
29156010
29156090
29157015
29157020
29157025
29157030
29157080
29159010
29159020
29159080

Unsaturated acyclic monocarboxylic acids:

29161210
29161220
29161290
29161410
29161490

Polycarboxylic acids, their anhydrides, halides:

29171100
29171400
29173500
29173600
29173700

Carboxylic acids with additional oxygen function:

29181400
29181500
29182200
29189000

Amine-function compounds:

29211110
29211190
29211200
29211910

29211930	Heterocyclic compounds with oxygen hetero-atom(s):	Other colouring matter:	39012000	39203000	Leather of bovine or equine animals, without hair:												
29211990			39013000	39204111		40132000											
29212100			39019000	39204119		40139010											
29212200			29321200	39204191		40139090											
29212900			29321300	39204199													
29213010			29322100	39204211													
29213090			Heterocyclic compounds with nitrogen hetero-atom(s):	Polymers of propylene or of other olefins:		39021000	39204219										
29214100						39022000	39204291	41041091									
29214210						39023000	39204299	41041095									
29214290						39029000	39205100	41041099									
29214310	29336100	39205900			41042100												
29214390	Sulphonamides:	Polymers of styrene, in primary forms:			39206100	39206100	41042290										
29214400					29350000	39206210	39206210	41042900									
29214500					Mineral or chemical fertilizers, nitrogenous:	39031100	39206290	41043111									
29214910						39031900	39206300	41043119									
29214990						39032000	39206900	41043130									
29215110			39033000	39207111		41043190											
29215190			31021010	39207119		41043910											
29215900			31021090	39207190		41043990											
Oxygen-function amino-compounds:			31022100	Polymers of vinyl chloride:		39207200	Sheep or lamb skin leather, without wool on:										
			29221100			39041000			39207310								
	29221200	39042100	39207350														
	29221300	39042200	39207390														
	29221900	39043000	39207900														
	29222100	39044000	39209100														
	29222200	39045000	39209200														
	29222900	39046190	39209300														
	29223000	39046900	39209400														
	29224210	39049000	39209911														
29224300	Mineral or chemical fertilizers, phosphatic:	Polymers of vinyl acetate:	39209919	Leather of other animals, without hair on:													
29224980			39051200			39209950											
29225000			Prepared rubber accelerators; compound plasticiser:			39209990	41052000										
Carboxyamide-function compounds:						31031010	Polyacetals, other polyethers and epoxide resins:	Other plates, sheets, film, foil and strip:	Chamois (including combination chamois) leather:								
						29242110					31031090	39072019	41071010				
						29242190					Mineral or chemical fertilizers:	39072090	41072910				
						29242930						31051000	39076090	41079010			
						Nitrile-function compounds:						31052010	39079110	39219019	41079090		
												29261000	31052090	Articles for the conveyance or packing of goods:	Patent leather and patent laminated leather:		
												29269090	31053010				39232100
	Organo-sulphur compounds:	31053090		Mixed alkylbenzenes and mixed alkylnaphthalenes:	Retreaded or used pneumatic tyres of rubber:							Composition leather with a basis of leather or leather:					
		29302000															31054010
		29309012	31054090														40121050
29309014		31055100	40121080														
29309016		31055900	40122090														
Other organo-inorganic compounds :		31056010	Prepared binders for foundry moulds or cores:				40129010	Articles of apparel and clothing accessories:									
		32012000					31056090			40129090							
		32019020				31059091	Inner tubes, of rubber:			42031000							
		Tanning extracts of vegetable origin:				31059099				Polymers of ethylene, in primary forms:	42032100						
						39011010					39011010			42032910			
	39011090			39011090	42032991												
				39012000	42032999												
				39019020													

42033000	Wood marquetry and inlaid wood; caskets and cases:	Silk yarn (other than yarn spun from silk waste):	Yarn of fine animal hair (carded or combed), not put up for retail sale:	51123090	52061590
42034000	44209011	50040010	51129010	51129010	52062100
Particle board and similar board of wood:	44209019	50040090	51129091	51129091	52062200
44101100	Articles of natural cork:	Yarn spun from silk waste, not put up for retail sale:	51129093	51129099	52062300
44101910	45031010	50050010	51129099		52062400
44101930	45031090	50050090		Woven fabrics of coarse animal hair or of horsehair:	52062510
44101950	45039000	Silk yarn and yarn spun from silk waste, put up for retail sale:		51130000	52062590
44101990		50060010	Yarn of wool or of fine animal hair, put up for retail sale:		52063100
44109000	Plaits and similar products of plaiting materials:	50060090	51091010		52063200
Fibreboard of wood or other ligneous materials:	46019910	Woven fabrics of silk or of silk waste:	51091090		52063300
44111100	Basketwork, wickerwork and other articles:	50071000	51091090		52063400
44111900	46029010	50072011	51099010		52063510
44112100	Registers, account books, note books, order books:	50072019	51099090		52063590
44112900	48201030	50072021		Cotton sewing thread, whether or not put up for retail sale:	52064100
44113100	Children's picture, drawing or colouring books:	50072031	Yarn of coarse animal hair or of horsehair:	52041100	52064200
44113900	49030000	50072039	51100000	52041900	52064300
44119100	Maps and hydrographic or similar charts of all kinds:	50072041	Woven fabrics of carded wool or of carded fine animal hair:	52042000	52064400
44119900	49051000	50072051	51111111	Cotton yarn (other than sewing thread):	52064510
Plywood, veneered panels and similar laminated wood:	Transfers (decalcomanias):	50072059	51111119	52051100	52064590
44121311	49081000	50072061	51111191	52051200	Cotton yarn (other than sewing thread) put up for retail sale:
44121319	49089000	50072069	51111919	52051300	52071000
44121390	Printed or illustrated postcards; printed cards:	50072071	51111931	52051400	52079000
44121400	49090010	50072079	51111939	52051510	
44121900	49090090	51061010	51111991	52051590	Flax yarn:
44122210	Calendars of any kind, printed, including calendars:	51061090	51111999	52052100	53061011
44122291	49100000	51062011	51112000	52052200	530610191
44122299	Other printed matter, including printed pictures:	51062019	51112000	52052300	53061031
44122900	49111010	51062091	51113010	52052400	53061039
44122920	49111090	51062099	51113030	52052600	53061050
44122980			51113090	52052700	53061090
44129210		Yarn of carded wool, not put up for retail sale:	51119010	52052800	53062011
44129291		51061010	51119091	52053100	53062019
44129299		51061090	51119093	52053200	53062090
44129300		51062011	51119099	52053300	
44129920		51062019	Woven fabrics of combed wool or of combed fine animal hair:	52053400	Yarn of other vegetable textile fibres; paper yarn:
44129980		51062099	51121110	52053510	53082010
Builders' joinery and carpentry of wood:		Yarn of combed wool, not put up for retail sale:	51121190	52053590	53082090
44181010		51071010	51121911	52054100	53083000
44181050		51071090	51121919	52054200	53089011
44181090		51072010	51121991	52054300	53089013
44182010		51072030	51121999	52054400	53089019
44182050		51072051	51122000	52054800	53089090
44182080		51072059	51123010		Woven fabrics of flax:
44183010		51072091	51123030	Cotton yarn (other than sewing thread):	53091111
44189010		51072099		52061100	53091119
				52061200	53091190
				52061300	53091910
				52061400	53091990
				52061510	53092110

53092190	54026190	54076110	Artificial staple fibres, not carded, combed or otherwise:	55094290	Non-wovens, whether or not impregnated:
53092910	54026210	54076130		55095100	56031110
53092990	54026290	54076150		55095210	56031190
Woven fabrics of jute or of other textile bast fibres:	54026910	54076190	55041000	55095290	56031210
53101010	54026990	54076910	55049000	55095300	56031290
Woven fabrics of other vegetable textile fibres:	Artificial filament yarn (other than sewing thread):	54076990		55095900	56031310
53110010		54077100		55096110	56031390
53110090		54077200		55096190	56031410
53109000		54077300		55096200	56031490
Woven fabrics of other vegetable textile fibres:	54031000	54077400		55096900	56039110
53110010	54032010	54078100		55099110	56039190
53110090	54032090	54078200		55099190	56039210
Sewing thread of man-made filaments:	54033100	54078300		55099200	56039290
54011011	54033200	54078400		55099900	56039310
54011019	54033310	54079100		Yarn (other than sewing thread) of artificial staple fibres:	56039390
54011090	54033390	54079200		55101100	56039410
54012010	54033900	54079300		55101200	56039490
54012090	54034100	54079400		55102000	Rubber thread and cord, textile covered:
Synthetic filament yarn (other than sewing thread):	54034200	Woven fabrics of artificial filament yarn:		55103000	56041000
54021010	54034900	54081000		55109000	56042000
54021090	Synthetic monofilament of 67 decitex or more:	54082100		Yarn (other than sewing thread) of man-made staple fibres:	56049000
54022000	54041010	54082210		55111000	Metallised yarn, whether or not gimped:
54023110	54041090	54082290		55112000	56050000
54023130	54049011	54082310		55113000	Gimped yarn, and strip:
54023190	54049019	54082390		Wadding of textile materials and articles thereof:	56060010
54023200	54049090	54082400		56011010	56060091
54023310	Artificial monofilament of 67 decitex or more:	54083100		56011090	56060099
54023390	54050000	54083200		56012110	Articles of yarn, strip:
54023910	Man-made filament yarn (other than sewing thread):	54083300		56012190	56090000
54023990	54061000	54083400		56012210	Carpets and other textile floor coverings:
54024110	54062000	Synthetic filament tow:		56012291	57011010
54024130	Woven fabrics of synthetic filament yarn:	55011000		56012299	57011091
54024190	54071000	55012000		56012900	57011093
54024200	54072011	55013000		56013000	57011099
54024310	54072019	55019000		Felt, whether or not impregnated:	57019010
54024390	54072090	Artificial filament tow:		56021011	57019090
54024910	54073000	55020010		56021019	Woven pile fabrics and chenille fabrics:
54024991	54074100	55020090		56021031	58011000
54024999	54074200	Synthetic staple fibres, not carded, combed or otherwise:		56021035	58012100
54025110	54074300	55031011		56021039	58012200
54025130	54074400	55031019		56021090	58012300
54025190	54075100	55031090		56022100	58012400
54025210	54075200	55032000		56022910	58012500
54025290	54075300	55033000		56022990	
54025910	54075400	55034000		56029000	
54025990		55039010			
54026110		55039090			
54026130					

58012600	Labels, badges and similar articles of textile matter:	59039010	59114000	61034991	T-shirts, singlets and other vests, knitted or crocheted:				
58013100		59039091	59119010	61034999		61091000			
58013200		59039099				61099010			
58013300		58071010	Linoleum, whether or not cut to shape:	Pile fabrics, including "long pile" fabrics:		Women's or girls' suits, ensembles, jackets, blazers:	61099030		
58013400		58071090					60011000	61045100	
58013500		58079010					60012100	61045200	
58013600		58079090					60012200	61045300	
58019010		58079090					60012910	61045900	
58019090			60012990	61046110		Track suits, ski suits and swimwear, knitted or crocheted:			
Terry towelling and similar woven terry fabrics:		Braids in the piece; ornamental trimmings:	Textile wall coverings:	60019110			61046190	61121100	
	58081000			60019130	61046210		61121200		
	58089000			60019150	61046290		61121900		
	Woven fabrics of metal thread and woven fabrics:			Embroidery in the piece, in strips or in motifs:	59050010		60019190	61046310	61122000
					59050031		60019210	61046390	61123110
59050039		60019230	61046910		61123190				
59050050		60019250	61046991		61123910				
59050070		60019290	61046999		61123990				
58023000		59050090	60019910	61124110					
Gauze, other than narrow fabrics:	Rubberized textile fabrics:	Textile fabrics otherwise impregnated, coated or covered:	60019990	Men's or boys' overcoats, car-coats, capes, cloaks:	Men's or boys' underpants, briefs, nightshirts, pyjamas:				
			58031000			59061010	61071100		
			58039010			59061090	61071200		
			58039030			59069100	61071900		
			58039050			59069910	61072100		
58039090	58101010	59069990	61011010	61072200					
Tulles and other net fabrics, not including woven:	Quilted textile products in the piece:	Textile wicks, woven, plaited or knitted:	61011090	Women's or girls' overcoats, car-coats, capes, cloaks:	Women's or girls' slips, petticoats, briefs, panties:				
			58101090			61012010	61081110		
			58109190			61012090	61081190		
			58109210			61013010	61081910		
			58109290			61013090	61081990		
58109910	58109910	59070010	61012090	61082100					
58109990	58109990	59070090	61013010	61082200					
Hand-woven tapestries of the type Gobelins:	Textile fabrics coated with gum:	Textile hosepiping and similar textile tubing:	61013090	Men's or boys' suits, ensembles, jackets, blazers:	Panty hose, tights, stockings, socks and other hosiery:				
			58041011			61019010	61082900		
			58041019			59080000	61083110		
			58041090			59090010	61083190		
			58042110			59090090	61083211		
58042190	Transmission or conveyor belts or belting:	59100000	61083219	61151100					
58042910		59021010	61083290	61151200					
58042990		59021090	61083900	61151910					
58043000		59022010	61089110	61151990					
Narrow woven fabrics:		Tyre cord fabric of high tenacity yarn of nylon:	Textile products and articles, for technical uses:	61021010	61089190	61152011			
	59011000			61022010	61089200				
	59019000			61022090	61089910				
	Textile fabrics impregnated, coated, covered:			Textile fabrics coated with gum:	59111000	61023010	61089990		
					59031010	61023090	61152019		
59031090		61029010	61152090						
59032010		61029090	61159100						
59032090			61159200						

Gloves, mittens and mitts, knitted or crocheted:	62034231 62034233 62034235 62034251 62034259 62034290 62034311 62034319 62034331 62034339 62034390 62034911 62034919 62034931 62034939 62034950 62034990	Men's or boys' singlets and other vests, underpants:	62071100 62071900 62072100 62072200 62072900 62079110 62079190 62079200 62079900	Other made up clothing accessories:	62171000 62179000	Sets consisting of woven fabric and yarn:	64035939 64035950 64035991 64035995 64035999 64039111 64039113 64039116 64039118 64039191 64039193 64039196 64039198 64039911 64039931 64039933 64039936 64039938 64039950 64039991 64039993 64039996 64039998	
Other made up clothing accessories, knitted or crocheted:		Women's or girls' singlets and other vests, slips:	62081100 62081910 62081990 62082100 62082200 62082900 62089111 62089119 62089190 62089210 62089290 62089900	Blankets and travelling rugs:	63011000 63012010 63012091 63012099 63013010 63013090 63014010 63014090 63019010 63019090	Worn clothing and other worn articles:	63090000	
		Brassières, girdles, corsets, braces, suspenders:	62081100 62081910 62081990 62082100 62082200 62082900 62089111 62089119 62089190 62089210 62089290 62089900	Sacks and bags:	63051010 63051090 63052000 63053211 63053281 63053289 63053290 63053310 63053391 63053399 63053900 63059000	Waterproof footwear with outer soles and uppers of rubber:	64011010 64011090 64019110 64019190 64019210 64019290 64019910 64019990	
Men's or boys' overcoats, car-coats, capes, cloaks:	Women's or girls' suits, ensembles, jackets, blazers:		Tarpaulins, awnings and sunblinds; tents; sails:			Other footwear with outer soles and uppers of rubber:	64021210 64021290 64021900 64022000 64023000 64029100 64029910 64029931 64029939 64029950 64029991 64029993 64029996 64029998	
	62045100 62045200 62045300 62045910 62045990 62046110 62046180 62046190 62046211 62046231 62046233 62046239 62046251 62046259 62046290 62046311 62046318 62046331 62046339 62046390 62046911 62046918 62046931 62046939 62046950 62046990	Handkerchiefs:	63061100 63061200 63061900 63062100 63062200 63062900 63063100 63063900 63064100 63064900 63069100 63069900	Other made up clothing accessories:		Footwear with outer soles of rubber, plastics, leather:	64041100 64041910 64041990 64042010 64042090	
Women's or girls' overcoats, car-coats, capes, cloaks:		Shawls, scarves, mufflers, mantillas, veils:	62121000 62122000 62123000 62129000	Other made up articles, including dress patterns:	63071010 63071030 63071090 63072000 63079010 63079091 63079099		Other footwear:	64051010 64051090 64052010 64052091 64052099 64059010 64059090
		Ties, bow ties and cravats:	62141000 62142000 62143000 62144000 62149010 62149090			Parts of footwear (including uppers):	64061011 64061019 64061090 64062010 64062090 64069100 64069910 64069930 64069950 64069960 64069980	
Men's or boys' suits, ensembles, jackets, blazers:	Men's or boys' shirts:							
62034110 62034130 62034190 62034211	62051000 62052000 62053000 62059010 62059090							

Unglazed ceramic flags and paving, hearth or wall tiles:	70132959 70132991 70132999 69071000 69079010 69079091 69079093 69079099	74072290 74072900	Nails, tacks, drawing pins, staples:	Aluminium foil:	Other articles of aluminium:
Glazed ceramic flags and paving, hearth or wall tiles:	70133110 70133190 70133200 70133910 70133991 70133999 70139110 70139190 70139910 70139990	Copper wire:	74151000 74152100 74152900 74153100 74153200 74153900	76071110 76071190 76071910 76071991 76071999 76072010 76072091 76072099	76161000 76169100 76169910 76169990
Tableware, kitchenware, other household articles:	Glass fibres (including glass wool):	Copper plates, sheets and strip:	Copper springs:	Aluminium tubes and pipes:	Unwrought lead:
69111000 69119000	70191100 70191200 70191910 70191990 70193100 70193200 70193910 70193990 70194000 70195110 70195190 70195200 70195910 70195990 70199010 70199030 70199091 70199099	74091100 74091900 74092100 74092900 74093100 74093900 74094010 74094090 74099010 74099090	74160000	76081090 76082030 76082091 76082099	78011000 78019100 78019991 78019999
Ceramic tableware, kitchenware, other household articles:	Other articles of precious metal:	Copper foil, whether or not printed or backed with:	Cooking or heating apparatus:	Aluminium tube or pipe fittings:	Tungsten (wolfram) and articles thereof, including waste:
69120010 69120030 69120050 69120090	71159010 71159090	74101100 74101200 74102100 74102200	74170000	76090000	81011000 81019110
Statuettes and other ornamental ceramic articles:	Ferro-alloys:	Copper tubes and pipes:	Table, kitchen or other household articles:	Aluminium structures:	Molybdenum and articles thereof, including waste:
69131000 69139010 69139091 69139093 69139099	72025000 72027000 72029100 72029200 72029930 72029980	74093100 74093900 74094010 74094090 74099010 74099090	74181100 74181900 74182000	76101000 76109010 76109090	81021000 81029110 81029300
Glassware of a kind used for table, kitchen:	Other articles of precious metal:	Copper tube or pipe fittings:	Other articles of copper:	Aluminium reservoirs, tanks, vats:	Magnesium and articles thereof, including waste:
70131000 70132111 70132119 70132191 70132199 70132910 70132951	71159010 71159090	74111011 74111019 74111090 74112110 74112190 74112200 74112910 74112990	74191000 74199100 74199900	76110000	81041100 81041900
	Copper bars, rods and profiles:	Copper tube or pipe fittings:	Aluminium bars, rods and profiles:	Aluminium casks, drums, cans, boxes:	Cadmium and articles thereof, including waste:
	74071000 74072110 74072190 74072210	74121000 74122000	76041010 76041090 76042100 76042910 76042990	76121000 76129010 76129020 76129091 76129098	81071010
		Stranded wire, cables, plaited bands and the like:	Aluminium wire:	Aluminium containers for compressed or liquefied:	Titanium and articles thereof, including waste:
		74130091 74130099	76051100 76051900 76052100 76052900	76130000	81081010 81081090 81089030 81089050 81089070 81089090
		Cloth (including endless bands), grill and netting:	Aluminium plates, sheets and strip:	Stranded wire, cables, plaited bands and the like:	Zirconium and articles thereof, including waste:
		74142000 74149000	76061110 76061191 76061193 76061199 76061210 76061250 76061291 76061293 76061299 76069100 76069200	76141000 76149000	81091010 81099000
				Table, kitchen or other household articles:	Antimony and articles thereof, including waste:
				76151100 76151910 76151990 76152000	81100011 81100019

Beryllium, chromium, germanium, vanadium, gallium:	84143099 84144010 84144090 84145190 84145930 84145950 84145990 84146000 84148021 84148029 84148031 84148039 84148041 84148049 84148060 84148071 84148079 84148090 84149090	Electric instantaneous or storage water heaters:	85162991 85163110 85163190 85164010 85164090 85165000 85166070 85167100 85167200 85167980	Prepared unrecorded media for sound recording:	85281266 85281272 85281276 85281281 85281289 85281291 85281298 85281300 85282114 85282116 85282118 85282190 85282200 85283010 85283090	85407100 85407200 85407900 85408100 85408911 85408919 85408990 85409100 85409900
Cermets and articles thereof, including waste:	84130020 84130040	Turtables (record-decks), record-players, cassette-players:	85191000 85192100 85192900 85193100 85193900 85194000 85199331 85199339 85199381 85199389 85199912 85199918 85199990	Records, tapes and other recorded media:	85241000 85243200 85243900 85245100 85245200 85245300 85246000 85249900	Electronic integrated circuits and microassemblies:
Nuclear reactors; fuel elements (cartridges):	84011000 84013000 84014010 84014090	Fork-lift trucks; other works trucks:	Magnetic tape recorders and other sound recording:	Reception apparatus for radio-telephony:	85291000 85291020 85291031 85291039 85291040 85291050 85291070 85291090 85299051 85299059 85299070 85299081 85299089	Insulated (including enamelled or anodised) wire:
Hydraulic turbines, water wheels, and regulators:	84101100 84101200 84101300 84109010 84109090	Sewing machines, other than book-sewing machines:	Video recording or reproducing apparatus:	Reception apparatus for television:	85291090 85299089	Parts suitable for use solely or principally with:
Turbo-jets, turbo-propellers and other gas turbines:	84111190 84111290 84112190 84112290 84118190 84118291 84118293 84118299 84119190 84119990	Electro-mechanical domestic appliances:	85201000 85203219 85203250 85203291 85203299 85203319 85203390 85203910 85203990 85209090	Motor vehicles for the transport of ten or more persons:	85271210 85271290 85271310 85271391 85271399 85272120 85272152 85272159 85272170 85272192 85272198 85272900 85273111 85273119 85273191 85273193 85273198 85273290 85273910 85273991 85273999 85279091 85279099	Electric sound or visual signalling apparatus:
Air or vacuum pumps, air or other gas compressors:	85091010 85091090 85092000 85093000 85094000 85098000 85099010 85099090	Motor vehicles for the transport of goods:	85211030 85211080 85219000	85311020 85311030 85311080 85318090 85319090	85441110 85441190 85441910 85441990 85442000 85443090 85444110 85444190 85444920 85444980 85445100 85445910 85445920 85445980 85446010 85446090 85447000	Thermionic, cold cathode or photocathode valves:
		Parts and accessories:			85401111 85401113 85401115 85401119 85401191 85401199 85401200 85402010 85402030 85402090 85404000 85405000 85406000	

87043110	90132000	Other firearms and similar devices:	Mattress supports; articles of bedding:	95031090	02064191
87043191	90138011	93031000	94041000	95032010	02068091
87043199	90138019	93032030	94042110	95032090	02069091
87043210	90138030	93032080	94042190	95033010	
87049000	90138090	93032080	94042910	95033030	
Special purpose motor vehicles:	90139010	93033000	94042990	95033090	Meat and edible offal:
87051000	90139090	93039000	94043010	95034100	02071391
87052000	Wrist-watches, pocket-watches and other watches:	Other arms (for example, spring, air or gas guns):	94043090	95034910	02071491
87053000	91011100	93040000	94044900	95034930	02072691
87054000	91011200		94049010	95034990	02072791
87059010	91011900	Parts and accessories of articles of heading Nos 9...:	94049090	95035000	02073591
87059030	91012100	of heading Nos 9...:		95036010	02073689
87059090	91012900	93051000	Lamps and lighting fittings including searchlights:	95036090	Other meat and edible meat offal, fresh, chilled:
Works trucks, self-propelled, not fitted with lift:	91019100	93052100	94051021	95037000	02081011
87091110	91019900	93052910	94051029	95038010	02081019
87091190	Wrist-watches, pocket-watches and other watches:	93052930	94051030	95038090	02089010
87091910	91021100	93052980	94051030	95039010	02089050
87091990	91021200	93052980	94051050	95039032	02089060
87099010	91021900	93059090	94051091	95039034	02089080
87099090	91022100	Bombs, grenades, torpedoes, mines, missiles:	94051099	95039035	Meat and edible meat offal, salted, in brine, dried:
Motor-cycles (including mopeds):	91022900	93061000	94052011	95039037	02109010
87111000	91029100	93062100	94052019	95039051	02109060
87112010	91029900	93062940	94052030	95039055	02109080
87112091	Clocks with watch movements:	93062970	94052050	95039099	
87112093	91031000	93063010	94052091	Brooms, brushes:	02109010
87112098	91039000	93063091	94052099	96031000	02109060
87113010	Other clocks:	93063093	94053000	96032100	02109079
87113090	91051100	93063098	94054010	96032910	02109080
87114000	91051900	93066290	94054031	96032930	Birds' eggs, in shell, fresh, preserved or cooked:
87115000	91052100	93066290	94054035	96032990	04070090
87119000	91052900	930663010	94054039	96033010	Edible products of animal origin, not elsewhere sp:
Bicycles and other cycles:	91059100	930663091	94054091	96033090	04100000
87120010	91059910	930663093	94054095	96034010	
87120030	91059990	930663098	94054099	96034090	Bulbs, tubers, tuberous roots, corms, crowns:
87120080		93069090	94055000	96035000	06012030
Photocopying apparatus:	Pianos, including automatic pianos; harpsichords:	Seats (other than those of heading No 9402):	94056091	96039010	06012090
90091100	92011010	94012000	94056099	96039091	Other live plants (including their roots), cutting:
90091200	92011090	94019010	94059111	96039099	06022090
90092100	92012000	94019030	94059119	Agricultural Products	06023000
90092210	92019000	94019080	94059190	Live horses, asses, mules and hinnies:	06024010
90092290	Revolvers and pistols:	Other furniture and parts thereof:	94059290	01011990	06024090
90093000	93020010	94034010	94059990	01012090	06029010
90099010	93020090	94034090	Prefabricated buildings:	Other live animals:	06029030
90099090		94039010	94060010	01060020	06029041
Liquid crystal devices:		94039030	94060031	Edible offal of bovine animals, swine, sheep, goat:	06029045
90131000		94039090	94060039	02063021	06029049
			94060090		
			Other toys; reduced-size ("scale") models:		
			95031010		

06029051 06029059 06029070 06029091 06029099	Grapes, fresh or dried: 08062091 08062092 08062098	Locust beans, seaweeds and other algae, sugar beet: 12129200	Animal or vegetable fats and oils: 15161010 15161090 15162091 15162096 15162098	Other vegetables prepared or preserved otherwise: 20049030	Yeasts (active or inactive): 21023000
Foliage, branches and other parts of plants: 06049121 06049129 06049149 06049990	Apricots, cherries, peaches (including nectarines): 08094010 ⁽¹²⁾ 08094090	Pig fat (including lard) and poultry fat: 15010090	Margarine; edible mixtures: 15171090 15179091 15179099	Other vegetables prepared or preserved otherwise: 20057010 20057090 20059010 20059030 20059050 20059060 20059070 20059075 20059080	Sauces and preparations therefor: 21031000 21033090 21039090
Potatoes, fresh or chilled: 07019059 07019090	Other fruit, fresh: 08104050	Lard stearin, lard oil, oleostearin, oleo-oil: 15030090	Animal or vegetable fats and oils: 15180010 15180091 15180099	Vegetables, fruit, nuts, fruit-peel and other parts: 20060091	Soups and broths and preparations therefor: 21041010 21041090 21042000
Onions, shallots, garlic, leeks: 07032000	Fruit and nuts, uncooked or cooked by steaming: 08112019 08112051 08112090 08119031 08119050 08119085	Ground-nut oil and its fractions, whether or not refined: 15081090 15089090	Sausages and similar products, of meat, meat offal: 16010010	Fruit, nuts and other edible parts of plants: 20081110 20081192 20081196 20081911 20081913 20081951 20081993 20083071 20089100 20089212 20089214 20089232 20089234 20089236 20089238 20089911 20089919 20089938 20089940 20089947	Food preparations not elsewhere specified: 21069092
Other vegetables, fresh or chilled: 07091040 07095130 07095200 07096099 07099031 07099071 07099073	Fruit and nuts, provisionally preserved: 08129040	Palm oil and its fractions, whether or not refined: 15119011 15119019 15119099	Extracts and juices of meat, fish or crustaceans: 16030010	Waters, including mineral waters and aerated water: 22021000 22029010	
Vegetables (uncooked or cooked by steaming or boiling): 07108059	Fruit, dried: 08131000 08133000 08134030 08134095	Coconut (copra), palm kernel or babassu oil: 15131191 15131199 15131911 15131919 15131991 15131999 15132130 15132190 15132911 15132919 15132950 15132991 15132999	Molasses: 17031000 17039000	Other fermented beverages (for example, cider): 22060031 22060039 22060051 22060059 22060081 22060089	
Vegetables provisionally preserved: 07119010	Coffee, whether or not roasted or decaffeinated: 09011200 09012100 09012200 09019090	Other fixed vegetable fats and oils: 15151990 15152190 15152990 15155019 15155099 15159029 15159039 15159051 15159059 15159091 15159099	Cocoa paste, whether or not defatted: 18031000 18032000	Undenatured ethyl alcohol of an alcoholic strength: 22085011 22085019 22085091 22085099 22086011 22086091 22086099 22087010 22087090 22089011 22089019 22089057 22089069 22089074 22089078	
Dried vegetables, whole, cut, sliced, broken: 07129005	Cloves (whole fruit, cloves and stems): 09070000		Cocoa butter, fat and oil: 18040000		
Other nuts, fresh or dried, whether or not shelled: 08021290	Ginger, saffron, turmeric (curcuma), thyme, bay leaf: 09104013 09104019 09104090 09109190 09109999		Cocoa powder, not containing added sugar or other: 18050000		
Dates, figs, pineapples, avocados, guavas, mangoes: 08041000	Seeds, fruit and spores, of a kind used for sowing: 12091100 12091900		Vegetables, fruit, nuts and other edible parts: 20019060 20019070 20019075 20019085 20019091	Fruit juices (including grape must): 20098036 20098038 20098088 20098089 20098095 20098096	
Citrus fruit, fresh or dried: 08054095					

Preparations of a kind used in animal feeding:

23091090
23099091
23099093
23099098

Unmanufactured tobacco; tobacco refuse:

24011030
24011050
24011070
24011080
24011090
24012030
24012049
24012050
24012080
24012090
24013000

Cigars, cheroots, cigarillos and cigarettes:

24021000
24022010
24022090
24029000

Other manufactured tobacco and manufactured tobacco:

24031010
24031090
24039100
24039910
24039990

Casein, caseinates and other casein derivatives:

35011090
35019010
35019090

Albumins:

35029070

Industrial monocarboxylic fatty acids; acid oils:

38231200

ANNEXE XII TO PROTOCOL 1

Products for which the cumulation provisions with South Africa referred to in Article 6(3) apply after 6 years from the provisional application of the Agreement on Trade, Development and Co-operation between the European Community and the Republic of South Africa

Industrial Products ⁽ⁱ⁾		
Woven fabrics of cotton, containing 85% or more:	52085100	52105100
52081110	52085210	52105200
52081190	52085290	52105900
52081211	52085300	Woven fabrics of cotton, containing less than 85%:
52081213	52085900	52111100
52081215	Woven fabrics of cotton, containing 85% or more:	52111200
52081219	52091100	52111900
52081291	52091200	52112100
52081293	52091900	52112200
52081295	52092100	52112900
52081299	52092200	52113100
52081300	52092900	52113200
52081900	52093100	52113900
52082110	52093200	52114100
52082190	52093900	52114200
52082211	52094100	52114300
52082213	52094200	52114910
52082215	52094300	52114990
52082219	52094910	52115100
52082291	52094990	52115200
52082293	52095100	52115900
52082295	52095200	Other woven fabrics of cotton:
52082299	52095900	52121110
52082300	Woven fabrics of cotton, containing less than 85%:	52121190
52082900	52101110	52121210
52083100	52101190	52121290
52083211	52101200	52121310
52083213	52101900	52121390
52083215	52102110	52121410
52083219	52102190	52121490
52083291	52102200	52121510
52083293	52102900	52121590
52083295	52103110	52122110
52083299	52103190	52122190
52083300	52103200	52122210
52083900	52103900	52122290
52084100	52104100	52122310
52084200	52104200	52122390
52084300	52104900	52122410
52084900		52122490

61111090	62043919	62114100	63039910	Ferrous waste and scrap; remelting scrap ingots:	72085490
61112010	62043990	62114210	63039990	72045090	72089010
61112090	62044100	62114231	Other furnishing articles:	Iron and non-alloy steel in ingots or other:	Flat-rolled products of iron or non-alloy steel:
61113010	62044200	62114241	63041100	72061000	72091500
61113090	62044300	62114242	63041910	72069000	72091610
61119000	62044400	62114290	63041930	Semi-finished products of iron or non-alloy steel:	72091690
Men's or boys' suits, ensembles, jackets, blazers:	62044910	62114310	63041990	72071111	72091710
62031100	62044990	62114331	63049100	72071114	72091790
62031200	Women's or girls' blouses, shirts and shirt-blouses:	62114341	63049200	72071116	72091810
62031910	62061000	62114342	63049300	72071210	72091891
62031930	62062000	62114390	63049900	72071211	72091899
62031990	62063000	62114900	Industrial Products (*)	72071210	72092500
62032100	62064000	Bed linen, table linen, toilet linen and kitchen linen:	Hydrogen, rare gases and other non-metals:	72071911	72092610
62032210	62069010	63021010	28046900	72071914	72092690
62032280	62069090	63021090	Colloidal precious metals; inorganic or organic:	72071916	72092710
62032310	Babies' garments and clothing accessories:	63022100	28431090	72071931	72092790
62032380	62091000	63022210	28433000	72072011	72092810
62032911	62092000	63022290	28439090	72072015	72092890
62032918	62093000	63022910	Oxygen-function amino-compounds:	72072017	72099010
62032990	62099000	63022990	29224100	72072032	Flat-rolled products of iron or non-alloy steel:
62033100	Garments, made up of fabrics of heading No 5602, 5:	63023110	Pig iron and spiegeleisen in pigs, blocks or other:	72072051	72101110
62033210	62101010	63023190	72011011	72072055	72101211
62033290	62101091	63023210	72011019	72072057	72101219
62033310	62101099	63023290	72011030	72072071	72102010
62033390	62102000	63023910	72012000	Flat-rolled products of iron or non-alloy steel:	72103010
62033911	62103000	63023930	72015090	72081000	72104110
62033919	62104000	63023990	Ferro-alloys:	72082500	72104910
62033990	62105000	63024000	72021120	72082600	72105010
Women's or girls' suits, ensembles, jackets, blazers:	Track suits, ski suits and swimwear; other garments:	63025110	72021180	72082700	72106110
62041100	62111100	63025190	72021900	72083600	72106910
62041200	62111200	63025200	72022110	72083710	72107031
62041300	62112000	63025310	72022190	72083790	72107039
62041910	62112000	63025390	72022900	72083810	72109031
62041990	62113100	63025900	72023000	72083890	72109033
62042100	62113210	63026000	72024110	72083910	72109038
62042210	62113231	63029110	72024191	72083990	Flat-rolled products of iron or non-alloy steel:
62042280	62113241	63029190	72024199	72084010	72111300
62042310	62113242	63029200	72024910	72084090	72111410
62042380	62113290	63029310	72024990	72085110	72111490
62042911	62113310	63029390	Ferrous products obtained by direct reduction:	72085130	72111920
62042918	62113331	63029900	72039000	72085150	72111990
62042990	62113341	Curtains (including drapes) and interior blinds:		72085191	72112310
62043100	62113342	63031100		72085199	72112351
62043100	62113390	63031200		72085210	72112920
62043210	62113900	63031900		72085291	72119011
62043290		63039100		72085299	
62043310		63039210		72085310	
62043390		63039290		72085390	
62043911				72085410	

Flat-rolled products of iron or non-alloy steel:	72163219	Bars and rods, hot-rolled:	Bars and rods, hot-rolled:	73072310	Barbed wire of iron or steel:
72121010	72163291	72210010	72271000	73072390	73130000
72121091	72163299	72210090	72272000	73072910	
72122011	72163310		72279010	73072930	
72123011	72163390	Other bars and rods of stainless steel:	72279050	73072990	Chain and parts thereof, of iron or steel:
72124010	72164010	72221111	72279095	73079100	73151110
72124091	72164090	72221119		73079210	73151190
72125031	72165010	72221121	Other bars and rods of other alloy steel:	73079290	73151200
72125051	72165091	72221129	72281010	73079311	73151900
72126011	72165099	72221191	72281030	73079319	73152000
72126091	72169910	72221199	72282011	73079391	73158100
		72221910	72282019	73079399	73158210
Bars and rods, hot-rolled:	Stainless steel in ingots or other primary forms:	72221990	72282030	73079910	73158290
72131000	72181000	72221990	72283020	73079930	73158900
72132000	72189111	72223010	72283041	73079990	73159000
72139110	72189119	72224010	72283049	Reservoirs, tanks, vats and similar containers:	Screws, bolts, nuts, coach screws, screw hooks:
72139120	72189911	72224030	72283061	73090010	73181100
72139141	72189919	Other alloy steel in ingots or other primary forms:	72283069	73090030	73181210
72139149	72189920	72241000	72283070	73090051	73181290
72139170		72249001	72283089	73090059	73181300
72139190	Flat-rolled products of stainless steel:	72249005	72286010	73090090	73181410
72139910	72191100	72249008	72287010	Tanks, casks, drums, cans, boxes and similar containers:	73181491
72139990	72191210	72249015	72287031	73101000	73181499
	72191290	72249031	72288010	73102110	73181510
Other bars and rods of iron or non-alloy steel:	72191310	72249039	72288090	73102191	73181520
72142000	72191390	Flat-rolled products of other alloy steel:	Sheet piling of iron or steel:	73102199	73181530
72143000	72191410	72251100	73011000	73102910	73181541
72149110	72191490	72251910	Railway or tramway track construction material:	73102990	73181549
72149190	72192110	72251990	73021031	Containers for compressed or liquefied gas:	73181551
72149910	72192190	72252020	73021039	73110010	73181559
72149931	72192210	72252090	73021090	73110091	73181561
72149939	72192290	72253000	73022000	73110099	73181569
72149950	72192300	72254020	73024010	73121000	73181570
72149961	72192400	72254050	73029010	73121051	73181581
72149969	72193100	72254080	 Tubes, pipes and hollow profiles, of cast iron:	73121059	73181589
72149980	72193210	72255000	73030010	73121071	73181590
72149990	72193290	72259110	73030090	73121075	73181610
	72193310	72259210	Tube or pipe fittings (for example couplings):	73121079	73181630
Other bars and rods of iron or non-alloy steel:	72193390	72259910	73071110	73121082	73181650
72159010	72193410	Flat-rolled products of other alloy steel:	73071190	73121084	73181691
	72193490	72261110	73071910	73121086	73181699
Angles, shapes and sections of iron or non-alloy steel:	72193510	72261910	73071990	73121088	73181900
72161000	72193590	72261930	73072100	73121099	73182100
72162100	72199010	72262020	73072210	73129090	73182200
72162200		72269110			73182300
72163111	Flat-rolled products of stainless steel:	72269190			73182400
72163119	72201100	72269210			73182900
72163191	72201200	72269320			Sewing needles, knitting needles, bodkins, crochets:
72163199	72202010	72269420			73191000
72163211	72209011	72269920			73192000
	72209031				

73193000	73249090
73199000	
Springs and leaves for springs, of iron or steel:	Other cast articles of iron or steel:
73201011	73251020
73201019	73251050
73201090	73251091
73202020	73251099
73202081	73259100
73202085	73259910
73202089	73259991
73209010	73259999
73209030	
73209090	
Stoves, ranges, grates, cookers:	Other articles of iron or steel:
73211110	73261100
73211190	73261910
73211200	73261990
73211300	73262030
73218110	73262050
73218190	73262090
73218210	73269010
73218290	73269030
73218300	73269040
73219000	73269050
	73269060
	73269070
	73269080
	73269091
Radiators for central heating:	73269093
73221100	73269095
73221900	73269097
73229090	
	Unwrought zinc:
	79011100
Table, kitchen or other household articles:	79011210
73231000	79011230
73239100	79011290
73239200	79012000
73239310	
73239390	Zinc dust, powders and flakes:
73239410	79031000
73239490	79039000
73239910	
73239991	
73239999	Motor vehicles for the transport of ten or more persons:
	87021011
Sanitary ware and parts thereof, of iron or steel:	87021019
73241090	87029011
73242100	87029019
73242900	

Motor vehicles for the transport of goods:

- 87042131
- 87042139
- 87042291
- 87042299
- 87042391
- 87042399
- 87043131
- 87043139
- 87043291

ANNEXE XIII TO PROTOCOL 1

Products to which Article 6(3) shall not be applicable

Industrial Products (°)

Motor cars and other motor vehicles:

- 87031010
- 87031090
- 87032110
- 87032190
- 87032211
- 87032219
- 87032290
- 87032311
- 87032319
- 87032390
- 87032410
- 87032490
- 87033110
- 87033190
- 87033211
- 87033219
- 87033290
- 87033311
- 87033319
- 87033390
- 87039010
- 87039090

Chassis fitted with engines:

- 87060011
- 87060019
- 87060091
- 87060099

Bodies (including cabs), for the motor vehicles:

- 87071010
- 87071090
- 87079010
- 87079090

Parts and accessories of the motor vehicles:

- 87081010
- 87081090
- 87082110
- 87082190
- 87082910

- 87082990
- 87083110
- 87083191
- 87083199
- 87083910
- 87083990
- 87084010
- 87084090
- 87085010
- 87085090
- 87086010
- 87086091
- 87086099
- 87087010
- 87087050
- 87087091
- 87087099
- 87088010
- 87088090
- 87089110
- 87089190
- 87089210
- 87089290
- 87089310
- 87089390
- 87089410
- 87089490
- 87089910
- 87089930
- 87089950
- 87089992
- 87089998

Industrial Products (°)

Unwrought aluminium:

- 76011000
- 76012010
- 76012091
- 76012099

Aluminium powders and flakes:

- 76031000
- 76032000

Agricultural Products (°)

Live horses, asses, mules and hinnies:

- 01012010

Milk and cream, not concentrated:

- 04011010
- 04011090
- 04012011
- 04012019
- 04012091
- 04012099
- 04013011
- 04013019
- 04013031
- 04013039
- 04013091
- 04013099

Buttermilk, curdled milk and cream, yogurt, kephir:

- 04031011
- 04031013
- 04031019
- 04031031
- 04031033
- 04031039

Potatoes, fresh or chilled:

- 07019051

Leguminous vegetables, shelled or unshelled, fresh or chilled:

- 07081020
- 07081095

Other vegetables, fresh or chilled:

- 07095190
- 07096010

Vegetables (uncooked or cooked by steaming or boiled):

- 07108095

Malt, whether or not roasted:	16025039	20089921	Bran, sharps and other residues:	Butter and other fats and oils derived from milk:	18069031
11071011	16025080	20089932	23023010	04052010	18069039
11071019	16029010	20089933	23023090	04052030	18069050
11071091	16029041	20089934	23024010		18069060
11071099	16029051	20089937	23024090	Vegetable saps and extracts;	18069070
11072000	16029069	20089943		pectic substances:	18069090
	16029074			13022010	
Locust beans, seaweeds and other algae, sugar beet:	16029078	Fruit juices (including grape must):	Oil-cake and other solid residues:	13022090	Malt extract; food preparations of flour, meal:
12129120	16029098	20091111	23069019		19011000
12129180	Other sugars, including chemically pure lactose:	20091911		Margarine:	19012000
	17021100	20092011	Preparations of a kind used in animal feeding:	15171010	19019011
Pig fat (including lard) and poultry fat:	17021900	20093011	23091013	15179010	19019019
15010019	Pasta, whether or not cooked or stuffed:	20093059	23091015		19019099
	19022030	20094011	23091033	Other sugars, including chemically pure lactose:	
Olive oil and its fractions, whether or not refined:		20095010	23091039	17025000	Pasta, whether or not cooked or stuffed:
15091010	Jams, fruit jellies, marmalades, fruit or nut puree:	20095090	23091051	17029010	19021100
15091090	20071099	20098011	23091053		19021910
15099000	20079190	20098032	23091059	Sugar confectionery (including white chocolate):	19021990
	20079991	20098033	23091070	17041011	19022091
Other oils and their fractions:	20079998	20098035	23099033	17041019	19022099
15100010		20099011	23099035	17041091	19023010
15100090	Fruit, nuts and other edible parts of plants:	20099021	23099039	17041099	19023090
	20082011	20099031	23099043	17049010	19024010
Degras:	20082031		23099049	17049030	19024090
15220031	20083019	Food preparations not elsewhere specified:	23099051	17049051	
15220039	20083031	21069051	23099053	17049055	Tapioca and substitutes:
	20083079	Wine of fresh grapes, including fortified wines:	23099059	17049061	19030000
Sausages and similar products, of meat, meat offal:	20083091	22041019 ⁽¹⁾	23099070	17049065	
16010091	20083099	22041099 ⁽¹⁾		17049071	Prepared foods:
16010099	20084019	22042110	Albumins:	17049075	19041010
	20084031	22042181	35021190	17049081	19041030
Other prepared or preserved meat, meat offal:	20084031	22042182	35022091	17049099	19041090
16021000	20085011	22042182			19042010
16022090	20085019	22042198	Agricultural Products ⁽⁴⁾	Chocolate and other food preparations:	19042091
16023211	20085019	22042199	Buttermilk, curdled milk and cream, yogurt, kephir:	18061015	19042095
16023921	20085031	220422910	04031051	18061020	19042099
16024110	20085039	220422910	04031053	18061030	19049010
16024210	20085051	220422910	04031059	18061090	19049090
16024911	20085059	220422910	04031091	18062010	
16024913	20086019	220422910	04031093	18062030	Bread, pastry, cakes, biscuits:
16024915	20086051	220422910	04031099	18062050	19051000
16024919	20086061	220422910	04039071	18062070	19052010
16024930	20086071	220422910	04039073	18062080	19052030
16024950	20086091	220422910	04039079	18062095	19052090
16024990	20087019	220422910	04039091	18063100	19053011
16025031	20087051	220422910	04039093	18063210	19053019
	20088019	220422910	04039099	18063290	19053030
	20089216	Undenatured ethyl alcohol:		18069011	19053051
	20089218	22082040		18069019	19053059
					19053091

19053099	Ice cream and other edible ice:	38246091	Wine of fresh grapes, including fortified wines:	02109049	04051050
19054010	21050010	38246099	22042179 ⁽¹⁴⁾	02109090	04051090
19054090	21050091	Agricultural Products ^(*)	22042180 ⁽¹⁴⁾	Milk and cream, concentrated:	04052090
19059010	21050099	Cut flowers and flower buds:	22042183 ⁽¹⁴⁾	04021011	04059010
19059020	Food preparations not elsewhere specified or included:	06031015 ⁽¹⁴⁾	22042184 ⁽¹⁴⁾	04021019	04059090
19059030	21061020	06031029 ⁽¹⁴⁾	Agricultural Products ^(*)	04021091	Cut flowers and flower buds:
19059040	21061080	06031051 ⁽¹⁴⁾	Live bovine animals:	04021099	06031011
19059045	21069010	06031065 ⁽¹⁴⁾	01029005	04022111	06031013
19059055	21069020	06039000 ⁽¹⁴⁾	01029021	04022117	06031021
19059060	21069098	Fruit and nuts, uncooked or cooked by steaming:	01029029	04022119	06031025
19059090	Waters, including mineral waters and aerated water:	08111090 ⁽¹⁴⁾	01029041	04022191	06031053
Vegetables, fruit, nuts:	22029091	Fruit, nuts and other edible parts of plants:	01029049	04022199	Other vegetables, fresh or chilled:
20019040	22029095	20084051 ⁽¹⁴⁾	01029051	04022911	07099060
Other vegetables:	22029099	20084059 ⁽¹⁴⁾	01029059	04022915	Vegetables (uncooked or cooked by steaming or boiling):
20041091	Vinegar and substitutes for vinegar:	20084071 ⁽¹⁴⁾	01029061	04022919	07104000
Other vegetables:	22090011	20084079 ⁽¹⁴⁾	01029069	04022991	Vegetables provisionally preserved:
20052010	22090019	20084091 ⁽¹⁴⁾	01029071	04022999	07119030
Fruit, nuts and other edible parts of plants:	22090091	20084099 ⁽¹⁴⁾	01029079	Buttermilk, curdled milk and cream, yogurt, kephir:	Bananas, including plantains, fresh or dried:
20089985	22090099	20085061 ⁽¹⁴⁾	Meat of bovine animals, fresh or chilled:	04039011	08030019
20089991	Acyclic alcohols and their halogenated derivatives:	20085069 ⁽¹⁴⁾	02011000	04039013	Vegetables (uncooked or cooked by steaming or boiling):
Fruit juices (including grape must):	29054300	20085071 ⁽¹⁴⁾	02012020	04039019	07119030
20098069	29054411	20085079 ⁽¹⁴⁾	02012030	04039031	Bananas, including plantains, fresh or dried:
Extracts, essences and concentrates, of coffee:	29054419	20085092 ⁽¹⁴⁾	02012050	04039033	08030019
21011111	29054491	20085094 ⁽¹⁴⁾	02012090	Whey, whether or not concentrated:	Citrus fruit, fresh or dried:
21011119	29054499	20085099 ⁽¹⁴⁾	02013000	04041002	08051001 ⁽¹²⁾
21011292	29054500	20087061 ⁽¹⁴⁾	Meat of bovine animals, frozen:	04041004	08051005 ⁽¹²⁾
21011298	Mixtures of odoriferous substances and mixtures:	20087069 ⁽¹⁴⁾	02021000	04041006	08051009 ⁽¹²⁾
21012098	33021010	20087071 ⁽¹⁴⁾	02022010	04041012	08051011 ⁽¹²⁾
21012098	33021021	20087079 ⁽¹⁴⁾	02022030	04041014	08051015 ⁽¹²⁾
21013011	33021029	20087092 ⁽¹⁴⁾	02022050	04041016	08051019 ⁽¹²⁾
21013019	Finishing agents, dye carriers:	20087094 ⁽¹⁴⁾	02022090	04041026	08051021 ⁽¹²⁾
21013091	38091010	20087099 ⁽¹⁴⁾	02023010	04041028	08051025 ⁽¹²⁾
21013099	38091030	20089259 ⁽¹⁴⁾	02023050	04041032	08051029 ⁽¹²⁾
Yeasts (active or inactive):	38091050	20089272 ⁽¹⁴⁾	02023090	04041034	08051031 ⁽¹²⁾
21021010	38091090	20089278 ⁽¹⁴⁾	Edible offal of bovine animals, swine, sheep, goats:	04041036	08051033 ⁽¹²⁾
21021031	Prepared binders for foundry moulds or cores:	20089298 ⁽¹⁴⁾	02061095	04041038	08051035 ⁽¹²⁾
21021039	38246011	Fruit juices (including grape must):	02062991	04049021	08051037 ⁽¹²⁾
21021090	38246019	20091199 ⁽¹⁴⁾	02062999	04049023	08051038 ⁽¹²⁾
21022011	Sauces and preparations thereof; mixed condiments:	20094030 ⁽¹⁴⁾	Meat and edible meat offal, salted, in brine:	04049029	08051039 ⁽¹²⁾
21032000	38246011	20097011 ⁽¹⁴⁾	02102010	04049081	08051042 ⁽¹²⁾
	38246019	20097019 ⁽¹⁴⁾	02102090	04049083	08051044 ⁽¹²⁾
		20097030 ⁽¹⁴⁾	02109041	04049089	08051046 ⁽¹²⁾
		20097091 ⁽¹⁴⁾		Butter and other fats and oils derived from milk:	08051051 ⁽¹²⁾
		20097093 ⁽¹⁴⁾		04051011	08051055 ⁽¹²⁾
		20097099 ⁽¹⁴⁾		04051030	08051059 ⁽¹²⁾
					08051061 ⁽¹²⁾
					08051065 ⁽¹²⁾

22042132	
22042134	
22042136	22082012
22042137	22082014
22042138	22082026
22042142	22082027
22042143	22082062
22042144	22082064
22042146	22082086
22042147	22082087
22042148	22083011
22042162	22083019
22042166	22083032
22042167	22083038
22042168	22083052
22042169	22083058
22042171	22083072
22042174	22083078
22042176	22089041
22042177	22089045
22042178	22089052
22042187	
22042188	
22042189	
22042191	
22042192	
22042193	
22042195	
22042196	
22042197	
22042912	
22042913	
22042917	
22042918	
22042942	
22042943	
22042944	
22042946	
22042947	
22042948	
22042971	
22042972	
22042981	
22042982	
22042987	
22042988	
22042989	
22042991	
22042992	
22042993	
22042995	
22042996	
22042997	

Undenatured ethyl alcohol:

- (1) (16/5-15/9)
(2) (1/6-15/10)
(3) (1/1-31/5)
Excluding Emperor variety
(4) Emperor variety or (1/6-31/12)
(5) (1/1-31/3)
(6) (1/10-31/12)
(7) (1/4-31/12)
(8) (1/1-30/6)
(9) (16/10-31/5)
(10) (16/9-15/5)
(11) Under the Agreement on Trade, Development and Co-operation between the European Community and the Republic of South Africa, the annual growth factor (agf) will be applied annually to the relevant basic quantities.
(12) Under the Agreement on Trade, Development and Co-operation between the European Community and the Republic of South Africa, the full specific duty is payable if the respective Entry Price is not reached.

ANNEXE XIV TO PROTOCOL 1
Fishery products to which Article 6(3)
shall temporarily not be applicable

Fish Products (*)

Live fish:

03011090
03019200
03019911

Fish, fresh or chilled, excluding fish fillets:

03021200
03023110
03023210
03023310
03023911
03023919
03026600
03026921

Fish, frozen, excluding fish fillets:

03031000
03032200
03034111
03034113
03034119
03034212
03034218
03034232
03034238
03034252
03034258
03034311
03034313
03034319
03034921
03034923
03034929
03034941
03034943
03034949
03037600
03037921
03037923
03037929

Fish fillets and other fish meat:

03041013

03042013

Pasta, whether or not cooked or stuffed:
19022010

Fish Products (*)

Live fish:

03019110
03019300
03019919

Fish, fresh or chilled, excluding fish fillets:

03021110
03021900
03022110
03022130
03022200
03026200
03026300
03026520
03026550
03026590
03026911
03026919
03026931
03026933
03026941
03026945
03026951
03026985
03026986
03026992
03026999
03027000

Fish, frozen, excluding fish fillets:

03032110
03032900
03033110
03033130
03033300
03033910
03037200

03037300
03037520
03037550
03037590
03037911
03037919
03037935
03037937
03037945
03037951
03037960
03037962
03037983
03037985
03037987
03037992
03037993
03037994
03037996
03038000

Fish fillets and other fish meat:

03041019
03041091
03042019
03042021
03042029
03042031
03042033
03042035
03042037
03042041
03042043
03042061
03042069
03042071
03042073
03042087
03042091
03049010
03049031
03049039
03049041
03049045
03049057

03049059	03074931	Fish Products (*)	03026935	03042053	Prepared or preserved fish; caviar and caviar substitutes:
03049097	03074933		03026955	03042075	16041210
Fish, dried, salted or in brine; smoked fish:	03074935	Live fish:	03026961	03042079	16041291
03054200	03074938	03019190	03026975	03042081	16041299
03055950	03074951	Fish, fresh or chilled, excluding fish fillets:	03026987	03042085	16041412
03055970	03074959	03021190	03026991	03042096	16041414
03056300	03074971	Fish, frozen, excluding fish fillets:	03026993	03049005	16041416
03056930	03074991	03032190	03026994	03049027	16041418
03056950	03074999	Fish fillets and other fish meat:	03026995	03049035	16041490
03056990	03075100	03041011	Fish, frozen, excluding fish fillets:	03049038	16041931
Crustaceans, whether in shell or not, live, fresh:	03075910	03042011	03033190	03049051	16041939
03061110	03075990	03042011	03033200	03049055	16042070
03061190	03077911	03042057	030333920	03049061	
03061210	03077913	03042059	03033930	03049065	
03061290	03077915	03049047	03033980		
03061310	03077918	03049049	03034190	Fish, dried, salted or in brine; smoked fish:	
03061390	03077990	Prepared or preserved fish; caviar and caviar substitutes:	03034290	03051000	
03061410	Prepared or preserved fish; caviar and caviar substitutes:	16041100	03034390	03052000	
03061430	16041100	16041390	03034990	03053011	
03061490	16041390	16041511	03035005	03053019	
03061910	16041511	16041519	03035098	03053030	
03061990	16041519	16041590	03036011	03053050	
03062100	16041590	16041910	03036019	03053090	
03062210	16041910	16041950	03036090	03054100	
03062291	16041950	16041991	03037110	03054910	
03062299	16041991	16041992	03037130	03054920	
03062310	16041992	16041993	03037190	03054930	
03062390	16041993	16041994	03037198	03054945	
03062410	16041994	16041995	03037410	03054950	
03062430	16041995	16041998	03037420	03054980	
03062490	16041998	16042005	03037490	03055110	
03062910	16042005	16042010	03037700	03055190	
03062990	16042010	16042030	03037931	03055911	
Molluscs, whether in shell or not, live, fresh:	16042030	16043010	03037941	03055919	
03071090	16043010	16043090	03037955	03055990	
03072100	Crustaceans, molluscs and other aquatic invertebra:		03037965	03056100	
03072910	16051000		03037971	03056200	
03072990	16052010		03037975	03056910	
03073110	16052091		03037991	03056920	
03073190	16052099		03037995		
03073910	16053000		Fish fillets and other fish meat:	Crustaceans, whether in shell or not, live, fresh:	
03073990	16054000		03041031	03061330	
03074110	16059011		03041033	03061930	
03074191	16059019		03041035	03062331	
03074199	16059030		03041038	03062339	
03074901	16059090		03041094	03062930	
03074911			03041096		
03074918			03041098		
			03042045		
			03042051		

ANNEXE XV TO PROTOCOL 1 Joint declaration on cumulation

The Parties agreed that, for the implementation of Article 6(11) of Protocol 1, the following definitions shall apply:

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

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

- Africa: Algeria, Egypt, Libya, Morocco, Tunisia;
- Caribbean: Colombia, Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Venezuela;
- Pacific: Nauru.

PROTOCOL 2 on the implementation of Article 9

1. The Parties agree that every endeavour should be made to avoid recourse being had to the safeguard measures provided for under Article 8.
2. Both Parties are guided by the conviction that the implementation on Article 9(4) and (5) would enable them to recognize, at an early stage, problems which could arise and, taking account of all relevant factors, avoid as far as possible recourse to measures which the Community would prefer not to adopt vis-à-vis its preferential trading partners.
3. Both Parties acknowledge the need for implementation of the mechanism of advance information provided for under Article 9 (4), the objective of which is to limit, in the case of sensitive products, the risks of sudden or unforeseen recourse to safeguard measures. These arrangements will permit the maintenance of a regular flow of trade information and the simultaneous implementation of regular consultation procedures. Thus the two Parties will be in a position to follow closely the trends in the sensitive sectors and detect problems which could arise.
4. The following two procedures result from this :
 - a) The statistical surveillance mechanism Without prejudice to internal arrangements that the Community may apply to control its imports, Article 9 (4) provides for the institution of a mechanism intended to ensure statistical surveillance of certain ACP exports to the Community and thus facilitate the examination of occurrences such as to cause market disturbances.

This mechanism, the sole objective of which is to facilitate the exchange of

information between the parties, should apply only to products, which the Community considers, insofar as it is concerned, as sensitive.

The implementation of this mechanism will be the subject of a joint agreement on the basis of data to be furnished by the Community and with the help of statistical information to be communicated by the ACP States to the Commission at the latter's request.

For the effective implementation of this mechanism it is necessary that the ACP States concerned provide the Commission, as far as possible on a monthly basis, with statistics relating to their exports to the Community and to each of its Member States of products considered by the Community to be sensitive.

b) A procedure for regular consultation.

The statistical surveillance mechanism mentioned above will enable the two Parties better to follow the trends in trade likely to cause concern. On the basis of this information and in accordance with Article 9 (5), the Community and the ACP States will have the possibility of holding periodic consultations in order to ensure that the objectives of that Article are fulfilled. These consultations will take place at the request of either Party.

5. If the conditions of application of safeguard measures as provided for in Article 8 are fulfilled, it would be the responsibility of the Community, in accordance with Article 9(1) relating to prior consultations concerning the application of safeguard measures, to enter immediately into consultations with the ACP States concerned by providing them with all the information necessary for those consultations, especially the necessary data from which to determine to what extent imports of a specific product from an ACP State or States have caused or

threatened to cause serious injury to the Community's domestic producers of like or directly competitive products or serious disturbances in a sector of the economy of the Community or difficulties which could bring about serious deterioration in the economic situation of a region of the Community.

6. If no other arrangement has been concluded in the meanwhile with the ACP State or States concerned, the competent authorities of the Community may, at the end of the twenty-one day period provided for in respect of those consultations, take the appropriate measures for the implementation of Article 8. These measures shall be communicated immediately to the ACP States and become immediately applicable.
7. This procedure would apply without prejudice to measures, which could be taken in the event of special factors within the meaning of Article 9(3). In this case all relevant information will be supplied promptly to the ACP States.
8. In this case, the interests of the least developed, landlocked and island ACP States will receive particular attention, in accordance with Article 2 of the Agreement.

PROTOCOL 3

CONTAINING THE TEXT OF PROTOCOL 3 ON ACP SUGAR

appearing in the ACP-EEC Convention of Lomé signed on 28 February 1975 and the corresponding declarations annexed to that Convention

PROTOCOL 3

on ACP sugar

ARTICLE 1

1. The Community undertakes for an indefinite period to purchase and import, at guaranteed prices, specific quantities of cane sugar, raw or white, which originate in the ACP States and which these States undertake to deliver to it.
2. The safeguard clause in Article 10 of the Convention shall not apply. The implementation of this Protocol is carried out within the framework of the management of the common organization of the sugar market which, however, shall in no way prejudice the commitment of the Community under paragraph 1.

ARTICLE 2

1. Without prejudice to Article 7, no change in this Protocol may enter into force until a period of five years has elapsed from the date on which the Convention enters into force. Thereafter, such changes as may be agreed upon will come into force at a time to be agreed.
2. The conditions for implementing the guarantee referred to in Article 1 shall be re-examined before the end of the seventh year of their application.

ARTICLE 3

1. Quantities of cane sugar referred to in Article 1, expressed in metric tons of white sugar, hereinafter referred to as "agreed quantities", for delivery in each 12-month period referred to in Article 4 (1), shall be as follows:

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

2. Subject to Article 7, these quantities may not be reduced without the consent of the individual States concerned.
3. Nevertheless, in respect of the period up to 30 June 1975, the agreed quantities, expressed in metric tons of white sugar, shall be as follows:

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

ARTICLE 4

1. In each 12-month period from 1 July to 30 June inclusive, hereinafter referred to as the "delivery period", the sugar-exporting ACP States undertake to deliver the quantities referred to in Article 3 (1), subject to any adjustments resulting from the application of Article 7. A similar undertaking shall apply equally to the quantities referred to in

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

2. The quantities to be delivered up to 30 June 1975, referred to in Article 3 (3), shall include supply en route from port of shipment or, in the case of landlocked States, across frontiers.
3. Deliveries of ACP cane sugar in the period up to 30 June 1975 shall benefit from the guaranteed prices applicable in the delivery period beginning 1 July 1975. Identical arrangements may be made for subsequent delivery periods.

ARTICLE 5

1. White or raw sugar shall be marketed on the Community market at prices freely negotiated between buyers and sellers.
2. The Community shall not intervene if and when a Member State allows selling prices within its borders to exceed the Community's threshold price.
3. The Community undertakes to purchase, at the guaranteed price, quantities of white or raw sugar, within agreed quantities, which cannot be marketed in the Community at a price equivalent to or in excess of the guaranteed price.
4. The guaranteed price, expressed in units of account, shall refer to unpacked sugar, cif European ports of the Community, and shall be fixed in respect of standard quality sugar. It shall be negotiated annually, within the price range obtaining in the Community, taking into account all relevant economic factors, and shall be decided at the latest by 1 May immediately preceding the delivery period to which it will apply.

ARTICLE 6

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

ARTICLE 7

1. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons of force majeure the Commission shall, at the request of the State concerned, allow the necessary additional period for delivery.
2. If a sugar-exporting ACP State informs the Commission during the course of a delivery period that it will be unable to deliver its agreed quantity in full and that it does not wish to have the additional period referred to in paragraph 1, the shortfall shall be reallocated by the Commission for delivery during the delivery period in question. Such reallocation shall be made by the Commission after consultation with the States concerned.
3. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons other than force majeure, that quantity shall be reduced in respect of each subsequent delivery period by the undelivered quantity.
4. It may be decided by the Commission that, in respect of subsequent delivery periods, the undelivered quantity shall be reallocated between the other States, which are referred to in Article 3. Such reallocation shall be made in consultation with the States concerned.

ARTICLE 8

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

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

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

ARTICLE 9

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

ARTICLE 10

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

ANNEXE TO PROTOCOL 3 Declarations on Protocol 3

1. Joint declaration concerning possible requests for participation in the provisions of Protocol 3. Any request from an ACP State Contracting Party to the Convention not specifically referred to in Protocol 3 to participate in the provisions of that Protocol shall be examined⁽¹⁾.

2. Declaration by the Community concerning sugar originating in Belize, St-Kitts-Nevis-Anguilla and Suriname.

a) The Community undertakes to adopt the necessary measures to ensure the same treatment as provided for in Protocol 3, for the following quantities of cane sugar, raw or white, originating in:

Belize	39 400 tons
St-Kitts-Nevis-Anguilla	14 800 tons
Suriname	4 000 tons

b) Nevertheless, in respect of the period up to 30 June 1975, the quantities shall be as follows:

Belize	14 800 tons
St-Kitts-Nevis-Anguilla	7 900 tons ⁽²⁾

3. Declaration by the Community on Article 10 of Protocol 3.

The Community declares that Article 10 of Protocol 3 providing for the possibility of denunciation in that Protocol, under the conditions set out in that Article, is for the purposes of juridical security and does not represent for the Community any qualification or limitation of the principles enunciated in Article 1 of that Protocol ⁽³⁾.

⁽¹⁾ *Annexe XIII to the Final Act of the ACP – EEC Convention.*

⁽²⁾ *Annexe XXI to the Final Act of the ACP – EEC Convention.*

⁽³⁾ *Annexe XXII to the Final Act of the ACP – EEC Convention.*

ANNEXE TO PROTOCOL 3 Exchange of Letters between the Dominican Republic and the community concerning the Protocol on ACP sugar

Letter N° 1, from the Government of the Dominican Republic

Sir,

I have the honour to confirm that the Dominican Republic wishes neither now nor in the future, to accede to the Protocol on ACP sugar annexed to the ACP-EEC Convention. The Dominican Republic accordingly undertakes not to apply to accede to the said Protocol. It will write a letter to this effect to the ACP Group of States. I should be obliged if you would acknowledge receipt of this letter. Please accept, Sir, the assurance of my highest consideration.

Letter N° 2, from the President of the Council of the European Communities

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"I have the honour to confirm that the Dominican Republic wishes neither now nor in the future, to accede to the Protocol on ACP sugar annexed to the ACP-EEC Convention.

The Dominican Republic accordingly undertakes not to apply to accede to the said Protocol. It will write a letter to this effect to the ACP Group of States."

The Community confirms its agreement on the content of that letter.

Please accept, Sir, the assurance of my highest consideration.

ANNEXE TO PROTOCOL 3 Agreement

In the form of an exchange of letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, the Republic of Zimbabwe and Saint Christopher and Nevis on the accession of the last-mentioned country to Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention.

Letter N° 1

Brussels,

Sir,

The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention and of the Commission on behalf of the European Economic Community, have agreed on the following:

- Saint Christopher and Nevis is hereby included in Article 3 (1) of the said Protocol with an agreed quantity of 14 800 tonnes with effect from the day on which it accedes to the Second ACP-EEC Convention.

Up to this date, the provisions of Annexe IV to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community shall remain applicable.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments

of the above-mentioned ACP States and the Community.

Please accept, Sir, the assurance of my highest consideration.

For the Council of the European Communities

Letter N° 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention and of the Commission on behalf of the European Economic community, have agreed on the following:

- Saint Christopher and Nevis is hereby included in Article 3 (1) of the said Protocol with an agreed quantity of 14 800 tonnes with effect from the day on which it accedes to the Second ACP-EEC Convention.

Up to this date, the provisions of Annexe IV to Council Decision 80/1186/EEC of 16 December 1980 on the association of the overseas countries and territories with the European Economic Community shall remain applicable.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community."

I have the honour to confirm that the Governments of the ACP States referred to in your letter are in agreement with the contents thereof.

Please accept, Sir, the assurance of my highest consideration.

For the Governments

ANNEXE TO PROTOCOL 3 Agreement

In the form of an exchange of letters between the European Economic Community and Barbados, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda and the Republic of Zimbabwe on the Accession of the latter country to Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention.

Letter n° 1

Sir...,

The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention, of the Republic of Zimbabwe and of the Commission, on behalf of the European Economic Community, have agreed on the following.

The Republic of Zimbabwe is hereby included in Article 3(1) of the said Protocol with an agreed quantity of 25 000 tonnes with effect from 1 July 1982, and in respect of the period up to 30 June 1982 with an agreed quantity of 6 000 tonnes.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Government of the abovementioned ACP States and the Community.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Communities

Letter n° 2

Sir...,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention of the Republic of Zimbabwe and of the Commission, on behalf of the European Economic Community, have agreed on the following.

The Republic of Zimbabwe is hereby included in Article 3 (1) of the said Protocol with an agreed quantity of 25 000 tonnes with effect from 1 July 1982, and in respect of the period up to 30 June 1982 with an agreed quantity of 6 000 tonnes.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community."

I have the honour to confirm the agreement of the Governments of the ACP States referred to in this letter with the foregoing.

Please accept, Sir, the assurance of my highest consideration.

For the Governments

ANNEXE TO PROTOCOL 3 Agreement

In the form of an exchange of letters between the European Economic Community and Barbados, Belize, the People's Republic of the Congo, Fiji, the Cooperative Republic of Guyana, Jamaica, the Republic of Kenya, the Democratic Republic of Madagascar, the Republic of Malawi, Mauritius, the Republic of Surinam, the Kingdom of Swaziland, the United Republic of Tanzania, Trinidad and Tobago, the Republic of Uganda, the Republic of Zimbabwe and the Republic of the Ivory Coast on the Accession of the last-mentioned country to Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention.

Letter n° 1

Sir,

The African, Caribbean and Pacific Group of States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention, the Republic of the Ivory Coast and the European Economic Community have agreed on the following.

The Republic of the Ivory Coast is hereby included in Article 3 (1) of the said Protocol with effect from 1 July 1983 with an immediate agreed quantity of 2 000 tonnes (white value).

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Communities

Letter n° 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"The African, Caribbean and Pacific Group of States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention, the Republic of the Ivory Coast and the European Economic Community have agreed on the following.

The Republic of the Ivory Coast is hereby included in Article 3 (1) of the said Protocol with effect from 1 July 1983 with an immediate agreed quantity of 2 000 tonnes (white value).

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the Community."

I have the honour to confirm the agreement of the Governments of the ACP States referred to in your letter with the contents thereof.

Please accept, Sir, the assurance of my highest consideration.

For the Governments

ANNEXE TO PROTOCOL 3 Agreement

In the form of an Exchange of Letters between the European Community and Barbados, Belize, the Republic of the Congo, Fiji, the Cooperative Republic of Guyana, the Republic of Côte d'Ivoire, Jamaica, the Republic of Kenya, the Republic of Madagascar, the Republic of Malawi, the Republic of Mauritius, the Republic of Suriname, Saint Christopher

and Nevis, the Kingdom of Swaziland, the United Republic of Tanzania, the Republic of Trinidad and Tobago, the Republic of Uganda, the Republic of Zambia and the Republic of Zimbabwe on the accession of the Republic of Zambia to Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention.

A. Letter n° 1

Sir,

The African, Caribbean and Pacific (ACP) States referred to in Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC Convention, the Republic of Zambia and the European Community have agreed on the following.

The Republic of Zambia is hereby included in Article 3 (1) of the said Protocol with effect from 1 January 1995 with an agreed quantity of 0 tonnes.

I should be obliged if you would acknowledge receipt of this letter confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the European Community.

Please accept, Sir, the assurance of my highest consideration.

B. Letter n° 2

Sir,

I have the honour to acknowledge receipt of your letter of today which reads as follows:

"The African, Caribbean and Pacific (ACP) States referred to in Protocol No 8 on ACP Sugar annexed to the Fourth ACP-EEC

Brussels,

On behalf of the Council
of the European Union

Brussels,

Convention, the Republic of Zambia and the European Community have agreed on the following.

The Republic of Zambia is hereby included in Article 3 (1) of the said Protocol with effect from 1 January 1995 with an agreed quantity of 0 tonnes.

I should be obliged if you would acknowledge receipt of this letter and confirm that this letter and your reply constitute an Agreement between the Governments of the abovementioned ACP States and the European Community."

I have the honour to confirm the agreement of the Governments of the ACP States referred to in your letter with the contents thereof.

Please accept, Sir, the assurance of my highest consideration

For the Governments of the ACP States
referred to in Protocol No 8
and of the Republic of Zambia

PROTOCOL 4 on beef and veal

The Community and the ACP States agree to take the special measures set out below to enable ACP States which are traditional exporters of beef and veal to maintain their position on the Community market, thus guaranteeing a certain level of income for their producers.

ARTICLE 1

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

ARTICLE 2

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

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

ARTICLE 3

In the event of an actual or foreseeable recession in these exports due to disasters such as drought, cyclones or animal diseases, the Community is willing to consider appropriate measures to ensure that quantities affected for these reasons in any year can be delivered in the following year.

ARTICLE 4

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

The Commission shall ensure that a decision is taken by 15 November at the latest.

ARTICLE 5

This Protocol shall be implemented in accordance with the common market organization in the beef and veal sector, which, however, shall not affect the obligations entered into by the Community under this Protocol.

ARTICLE 6

Should the safeguard clause in Article 8(1) of the Annexe be applied in the beef and veal sector, the Community will take the necessary measures to maintain the volume of exports from the ACP States to the Community at a level compatible with its obligations under this Protocol.

PROTOCOL 5

The Second Banana Protocol

ARTICLE 1

The Parties recognise the overwhelming economic importance to the ACP banana suppliers of their exports to the Community market. The Community agrees to examine and where necessary take measures aimed at ensuring the continued viability of their banana export industries and the continuing outlet for their bananas on the Community market.

ARTICLE 2

Each of the ACP States concerned and the Community shall confer in order to determine the measures to be implemented so as to improve the conditions for the production and marketing of bananas. This aim shall be pursued through all the means available under the arrangements of the Convention for financial, technical, agricultural, industrial and regional co-operation. The measures in question shall be designed to enable the ACP States, particularly Somalia, account being taken of their individual circumstance, to become

more competitive. Measures will be implemented at all stages from production to consumption and will cover the following fields in particular:

- Improvement of conditions of production and enhancement of quality through action in the areas of research, harvesting, packaging and handling,
- Transport and storage,
- Marketing and trade promotion.

ARTICLE 3

For the purposes of attaining these objectives, the two Parties hereby agree to confer in a permanent joint group, assisted by a group of experts, whose task shall be to keep under continuous review any specific problems brought to its attention.

ARTICLE 4

Should the banana-producing ACP States decide to set up a joint organisation for the purpose of attaining the objectives, the Community shall support such an organisation and shall give consideration to any requests it may receive for support for the organisation's activities which fall within the scope of regional schemes under the heading of development finance co-operation.

more competitive. Measures will be implemented at all stages from production to consumption and will cover the following fields in particular:

- Improvement of conditions of production and enhancement of quality through action in the areas of research, harvesting, packaging and handling,
- Transport and storage,
- Marketing and trade promotion.

ANNEXE VI

LIST OF THE LEAST DEVELOPED, LANDLOCKED AND ISLAND ACP STATES (LDLICS)

The following lists comprise ACP least-developed, landlocked and Island States

LEAST-DEVELOPED ACP STATES

ARTICLE 1

Under this Agreement, the following countries shall be considered least-developed ACP States:

Angola	Lesotho
Benin	Liberia
Burkina Faso	Malawi
Burundi	Mali
Republic of Cape Verde	Mauritania
Central African Republic	Madagascar
Chad	Mozambique
Comoro Islands	Niger
Democratic Republic of Congo	Rwanda
Djibouti	Samoa
Ethiopia	SãoTome and Príncipe
Eritrea	Sierra Leone
Gambia	Solomon Islands
Guinea	Somalia
Guinea (Bissau)	Sudan
Guinea (Equatorial)	Tanzania
Haïti	Tuvalu
Kiribati	Togo
	Uganda
	Vanuatu
	Zambia

LANDLOCKED ACP STATES

ARTICLE 2

Specific measures and provisions have been made to support landlocked ACP States in their efforts to overcome the geographical difficulties and the other obstacles hampering their development so as to enable them to speed up their respective rates of growth.

ARTICLE 3

The landlocked ACP States are:

Botswana	Mali
Burkina Faso	Niger
Burundi	Rwanda
Central African Republic	Swaziland
Chad	Uganda
Ethiopia	Zambia
Lesotho	Zimbabwe
Malawi	

ISLAND ACP STATES

ARTICLE 4

Specific measures and provisions have been made to support island ACP States in their efforts to overcome the natural and geographical difficulties and the other obstacles hampering their development so as to enable them to speed up their respective rates of growth.

ARTICLE 5

List of island ACP States:

Antigua and Barbuda	Papua New Guinea
Bahamas	Saint Kitts and Nevis
Barbados	Saint Lucia
Cape Verde	Saint Vincent and the Grenadines
the Comoros	Samoa
Dominica	SãoTome and Príncipe
Dominican Republic	Seychelles
Fiji	Solomon Islands
Grenada	Tonga
Haïti	Trinidad and Tobago
Jamaica	Tuvalu
Kiribati	Vanuatu
Madagascar	
Mauritius	

ANNEXE VII

POLITICAL DIALOGUE AS REGARDS HUMAN RIGHTS, DEMOCRATIC PRINCIPLES AND THE RULE OF LAW

ARTICLE 1

Objectives

1. The consultations envisaged in Article 96(2)(a) will take place, except in cases of special urgency, after exhaustive political dialogue as envisaged in Article 8 and Article 9(4) of the Agreement.
2. Both Parties should conduct such political dialogue in the spirit of the Agreement and bearing in mind the Guidelines for ACP-EC Political Dialogue established by the Council of Ministers.
3. Political Dialogue is a process which should foster the strengthening of ACP-EC relations and contribute towards achieving the objectives of the Partnership.

ARTICLE 2

Intensified Political Dialogue preceding consultations under Article 96 of the Agreement.

1. Political dialogue concerning respect for human rights, democratic principles and the rule of law shall be conducted pursuant to Article 8 and Article 9(4) of the Agreement and within the parameters of internationally recognised standards and norms. In the framework of this dialogue the Parties may agree on joint agendas and priorities.
2. The Parties may jointly develop and agree specific benchmarks or targets with regard to human rights, democratic principles and the rule of law within the parameters of internationally agreed standards and norms, taking into account special circumstances of the

ACP State concerned. Benchmarks are mechanisms for reaching targets through the setting of intermediate objectives and timeframes for compliance.

3. The political dialogue set out in paragraphs 1 and 2 shall be systematic and formal and shall exhaust all possible options prior to consultations under Article 96 of the Agreement.
4. Except for cases of special urgency as defined in Article 96(2)(b) of the Agreement, consultations under Article 96 may also go ahead without preceding intensified political dialogue, when there is persistent lack of compliance with commitments taken by one of the Parties during an earlier dialogue, or by a failure to engage in dialogue in good faith.
5. Political dialogue under Article 8 of the Agreement shall also be utilized between the Parties to assist countries subject to appropriate measures under Article 96 of the Agreement, to normalise the relationship.

ARTICLE 3

Additional rules on consultation under Article 96 of the Agreement.

1. The Parties shall strive to promote equality in the level of representation during consultations under Article 96 of the Agreement.
2. The Parties are committed to transparent interaction before, during and after the formal consultations, bearing in mind the specific benchmarks and targets referred to in Article 2(2) of this Annex.
3. The Parties shall use the 30-day notification period as provided for in Article 96(2) of the Agreement for effective preparation by the Parties, as well as for deeper consultations within the ACP Group and among the Community and its Member States.

During the consultation process, the Parties should agree flexible timeframes, whilst acknowledging that cases of special urgency, as defined in Article 96(2)(b) of the Agreement and Article 2(4) of this Annex, may require an immediate reaction.

4. The Parties acknowledge the role of the ACP Group in political dialogue based on modalities to be determined by the ACP Group and communicated to the European Community and its Member States.
5. The Parties acknowledge the need for structured and continuous consultations under Article 96 of the Agreement. The Council of Ministers may develop further modalities to this end.

PROTOCOLS

PROTOCOL 1

on the operating expenditure of the joint institutions

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

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

2. The arbitrators appointed in accordance with Article 98 of the Agreement shall be entitled to a refund of their travel and subsistence expenditure. The latter shall be determined by the Council of Ministers.

One half of travel and subsistence expenditure incurred by the arbitrators shall be borne by the Community and the other half by the ACP States. Expenditure relating to any registry set up by the arbitrators, to preparatory inquiries into disputes, and to the organisation of hearings (such as premises, personnel and interpreting) shall be borne by the Community. Expenditure relating to special inquiries shall be settled together with the other costs and

the Parties shall deposit advances as determined by an order of the arbitrators.

3. The ACP States shall set up a Fund, which will be managed by their General Secretariat, for the purpose of contributing to the financing of the expenses incurred by ACP participants at meetings of the Joint Parliamentary Assembly and the Council of Ministers.

The ACP States shall contribute to this Fund. With the aim of encouraging the active participation of all ACP States in the dialogue conducted within the ACP-EC institutions, the Community shall make a contribution to this Fund as provided for in the Financial Protocol (EUR 4 million according to the First Financial Protocol).

To be eligible for the Fund expenses must comply with the following conditions as well as those laid down in paragraph 1:

- They must be incurred by parliamentarians or, in their absence, other such ACP representatives travelling from the country they represent in order to take part in sessions of the Joint Parliamentary Assembly, meetings of working parties or missions under their aegis, or as a result of the participation of these same representatives and representatives of ACP civil society and economic and social operators in consultation meetings held under Articles 15 and 17 of the Agreement.
 - Decisions on the nature, organisation, frequency and location of meetings, missions and working groups must be taken in accordance with the rules of procedure of the Council of Ministers and the Joint Parliamentary Assembly.
4. Consultation meetings and meetings of ACP-EC economic and social operators shall be organised by the Economic and Social Committee of the European Union. In this specific instance, the Community's contribution to cover the participation of ACP economic and

social operators shall be paid directly to the Economic and Social Committee.

The ACP Secretariat, the Council of Ministers and the Joint Parliamentary Assembly may, in agreement with the Commission, delegate the organisation of consultation meetings of ACP civil society to representative organisations approved by the Parties.

PROTOCOL 2

on privileges and immunities

THE PARTIES ,

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

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

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

WHEREAS the Georgetown Agreement of 6 June 1975 constituted the ACP Group of States and instituted a Council of ACP Ministers, and a Committee of Ambassadors; whereas the organs of the ACP Group of States are to be serviced by the Secretariat of the ACP States;

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

CHAPTER 1 PERSONS TAKING PART IN THE WORK OF THE AGREEMENT

ARTICLE 1

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

The preceding paragraph shall also apply to members of the Joint Parliamentary Assembly of the Agreement, to the arbitrators who may be appointed under the Agreement, to members of the consultative bodies of the economic and social sectors which may be set up, to the officials and employees of these institutions, and also to the members of the agencies of the European Investment Bank and its staff, and to the staff of the Centre for the Development of Enterprise and the Centre for the Development of Agriculture.

CHAPTER 2 PROPERTY, FUNDS AND ASSETS OF THE COUNCIL OF ACP MINISTERS

ARTICLE 2

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

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

ARTICLE 3

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

ARTICLE 4

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

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

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

ARTICLE 5

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

CHAPTER 3 OFFICIAL COMMUNICATIONS

ARTICLE 6

For their official communications and the transmission of all their documents, the European Community, the institutions of the Agreement and the coordinating bodies shall enjoy in the territory of the States party to the Agreement the treatment accorded to international organisations.

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

CHAPTER 4 STAFF OF THE SECRETARIAT OF THE ACP STATES

ARTICLE 7

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

2. Permanent ACP staff members not referred to in paragraph 1 shall be exempted by their host country from any taxes on salaries, emoluments or

allowances paid to them by the ACP States from the day on which such income becomes subject to tax levied for the benefit of the ACP States.

The above provision shall not apply either to pensions paid the ACP Secretariat to its former staff members or their dependants, or to salaries, emoluments or allowances paid to its local staff.

The State in which the Council of ACP Ministers is established shall grant immunity from legal proceedings to permanent members of the staff of the Secretariat of the ACP States, apart from those referred to in paragraph 1 of Article 7, only in respect of acts done by them in the performance of their official duties. Such immunity shall not, however, apply to infringements of road traffic regulations by a permanent member of the staff of the Secretariat of the ACP States or to damage caused by a motor vehicle belonging to, or driven by, him or her.

ARTICLE 8

The State in which the Council of ACP Ministers is established shall grant immunity from legal proceedings to permanent members of the staff of the Secretariat of the ACP States, apart from those referred to in paragraph 1 of Article 7, only in respect of acts done by them in the performance of their official duties.

Such immunity shall not, however, apply to infringements of road traffic regulations by a permanent member of the staff of the Secretariat of the ACP States or to damage caused by a motor vehicle belonging to, or driven by, him or her.

ARTICLE 9

The names, positions and addresses of the Chairman-in-Office of the Committee of ACP Ambassadors, the Secretary or Secretaries and Deputy Secretary or Deputy Secretaries of the Council of ACP Ministers and of the permanent members

of the staff of the Secretariat of the ACP States shall be communicated periodically by the President of the Council of ACP Ministers to the Government of the State in whose territory the Council of ACP Ministers is established.

CHAPTER 5 COMMISSION DELEGATIONS IN THE ACP STATES

ARTICLE 10

1. The Commission Head of Delegation and staff appointed to the Delegation, the Delegations, to the exception of locally recruited staff, shall be exempted from any direct taxes in the ACP State where they are in post.
2. Article 31(2)(g) of Annexe IV, chapter 4 shall also apply to the staff referred to in paragraph 1.

CHAPTER 6 GENERAL PROVISIONS

ARTICLE 11

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

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

ARTICLE 12

Article 98 of the Agreement shall apply to disputes relating to this Protocol.

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

PROTOCOL 3 ON SOUTH AFRICA

ARTICLE 1 Qualified Status

1. The participation of South Africa in this Agreement is subject to the qualifications set out in this Protocol.
2. The provisions of the bilateral Agreement on Trade, Development and Cooperation between the European Community, its Member States and South Africa signed in Pretoria on 11 October 1999, hereinafter referred as the "TDCA", shall take precedence over the provisions of this Agreement.

ARTICLE 2 General Provisions, Political Dialogue and Joint Institutions

1. The general, institutional and final provisions of this Agreement shall apply to South Africa.
2. South Africa shall be fully associated in the overall political dialogue and participate in the joint institutions and bodies set out under this Agreement. However, in respect of decisions to be taken in relation to provisions that do not apply to South Africa under this Protocol, South Africa shall not take part in the decision-making process.

ARTICLE 3 Cooperation Strategies

The provisions on cooperation strategies of this Agreement shall apply to cooperation between the Community and South Africa.

ARTICLE 4 Financial Resources

1. The provisions of this Agreement on development finance cooperation shall not apply to South Africa.

2. However, in derogation from this principle, South Africa shall have the right to participate in the areas of ACP-EC development finance cooperation listed in Article 8 below, on the understanding that South Africa's participation will be fully financed from the resources provided for under Title VII of the TDCA. Where resources from the TDCA are deployed for participation in operations in the framework of ACP- EC financial cooperation, South Africa will enjoy the right to participate fully in the decision-making procedures governing implementation of such aid.
3. South African natural or legal persons shall be eligible for award of contracts financed from the financial resources provided for under this Agreement. In this respect, South African natural or legal persons shall, however, not enjoy the preferences accorded to natural and legal persons from ACP States.

ARTICLE 5 Trade Cooperation

1. The provisions of this Agreement on economic and trade cooperation shall not apply to South Africa.
2. Nonetheless, South Africa shall be associated as an observer in the dialogue between the Parties pursuant to Articles 34 to 40 of this Agreement.

ARTICLE 6 Applicability of Protocols and Declarations

The protocols and declarations annexed to this Agreement that relate to parts of the Agreement that are not applicable to South Africa, shall not apply to South Africa. All other declarations and protocols shall apply.

ARTICLE 7 Revision Clause This

Protocol may be revised by decision of the Council of Ministers.

ARTICLE 8 Applicability

Without prejudice to the previous Articles, the table hereunder sets out those Articles of the Agreement and its Annexes which shall apply to South Africa and those which shall not apply.

<i>Applicable</i>	<i>Remarks</i>	<i>Not applicable</i>
Preamble		
Part I, Title I, Chapter 1: "Objectives, principles and actors" (Articles 1 to 7)		
Part I, Title II, "The political dimension"; Articles 8 to 13		
Part 2, "Institutional provisions"; Articles 14 to 17	<i>In accordance with Article 1 of this protocol, South Africa shall not have voting rights in any of the joint institutions or bodies in areas of the Agreement which are not applicable to South Africa.</i>	
Part 3, Title I, "Development strategies".		
	<i>In accordance with Article 5 above, South Africa shall be associated as an observer in the dialogue between the Parties pursuant to Articles 34 to 40.</i>	Part 3, Title II, <i>Economic and Trade Cooperation.</i>
Article 75(i) (Investment promotion, support for the ACP-EU private sector dialogue on regional level), Article 78 (Investment protection)	<i>In accordance with Article 4 above, South Africa shall have the right to participate in certain areas of development finance cooperation on the understanding that such participation will be fully financed from the resources provided for under Title VII of the TDCA. In accordance with Article 2 above, South Africa may participate in the ACP-EC Development Finance Cooperation Committee provided for in Article 83, without enjoying voting rights in relation to provisions that do not apply to South Africa.</i>	Part 4, <i>Development Finance Cooperation</i>

Part 5, <i>General Provisions for the Least Developed, Landlocked and Island ACP States, Articles 84 to 90</i>		
Part 6, <i>Final Provisions, Articles 91 to 100</i>		
		Annex I (Financial Protocol)
Annex II, <i>Terms and conditions of Financing, Chapter 5 (link to Article 78 / investment protection)</i>	<i>In accordance with Article 4 above, South Africa shall have the right to participate in certain areas of development finance cooperation on the understanding that South Africa's participation will be fully financed from the resources provided for under Title VII of the TDCA.</i>	Annex II, <i>Terms and conditions of Financing, Chapters 1, 2, 3 and 4</i>
Annex III <i>Institutional Support (CDE and CTA)</i>	<i>In accordance with Article 4 above, South Africa shall have the right to participate in certain areas of development finance cooperation on the understanding that South Africa's participation will be fully financed from the resources provided for under Title VII of the TDCA.</i>	
Annex IV, <i>Implementation and Management Procedures: Articles 6 to 14, (Regional cooperation) Articles 20 to 32 (Competition and preference)</i>	<i>In accordance with Article 4 above, where resources from the TDCA are deployed for participation activities in the framework of ACP-EC financial cooperation, South Africa will enjoy the right to fully participate in the decision-making procedures governing implementation of such aid. South African natural and legal persons will moreover be eligible for participation in tenders for contracts financed from the financial resources of the Agreement. In this context, South African tenderers will not enjoy the preferences provided for tenderers from the ACP States.</i>	Annex IV, Articles 1 to 5 (national programming); 15 to 19 (provisions relating to the project cycle), 27 (preference to ACP contractors) and 34 to 38 (Executing agents)
		Annex V / trade regime during the preparatory period.
Annex VI; List of Least Developed, island and landlocked ACP States.		

FINAL ACT

The Plenipotentiaries of:	THE PRESIDENT OF THE PORTUGUESE REPUBLIC,	THE PRESIDENT OF THE REPUBLIC OF CAMEROON,	THE PRESIDENT OF THE REPUBLIC OF GUINEA,
HIS MAJESTY THE KING OF THE BELGIANS,	THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,	THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,	THE PRESIDENT OF THE REPUBLIC OF GUINEA-BISSAU,
THE PRESIDENT OF THE CZECH REPUBLIC,	THE PRESIDENT OF THE SLOVAK REPUBLIC,	THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,	THE PRESIDENT OF THE REPUBLIC OF EQUATORIAL GUINEA,
HER MAJESTY THE QUEEN OF DENMARK,	THE PRESIDENT OF THE REPUBLIC OF FINLAND,	THE PRESIDENT OF THE ISLAMIC FEDERAL REPUBLIC OF THE COMOROS,	THE PRESIDENT OF THE REPUBLIC OF GUYANA,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,	THE GOVERNMENT OF THE KINGDOM OF SWEDEN,	THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF CONGO,	THE PRESIDENT OF THE REPUBLIC OF HAITI,
THE PRESIDENT OF THE REPUBLIC OF ESTONIA,	HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,	THE PRESIDENT OF THE REPUBLIC OF CONGO,	THE HEAD OF STATE OF JAMAICA,
THE PRESIDENT OF THE HELLENIC REPUBLIC,	Contracting Parties to the Treaty establishing the European Community, hereinafter referred to as "the Community", the States of the Community being hereinafter referred to as "Member States", and of	THE GOVERNMENT OF THE COOK ISLANDS,	THE PRESIDENT OF THE REPUBLIC OF KENYA,
HIS MAJESTY THE KING OF SPAIN,	THE EUROPEAN COMMUNITY,	THE PRESIDENT OF THE REPUBLIC OF CÔTE D'IVOIRE,	THE PRESIDENT OF THE REPUBLIC OF KIRIBATI,
THE PRESIDENT OF THE FRENCH REPUBLIC,	of the one part, and	THE PRESIDENT OF THE REPUBLIC OF DJIBOUTI,	HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO,
THE PRESIDENT OF IRELAND,	THE PRESIDENT OF THE REPUBLIC OF ANGOLA,	THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA,	THE PRESIDENT OF THE REPUBLIC OF LIBERIA,
THE PRESIDENT OF THE ITALIAN REPUBLIC,	HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA,	THE PRESIDENT OF THE DOMINICAN REPUBLIC,	THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR,
THE PRESIDENT OF THE REPUBLIC OF CYPRUS,	THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS,	THE PRESIDENT OF THE STATE OF ERITREA,	THE PRESIDENT OF THE REPUBLIC OF MALAWI,
THE PRESIDENT OF THE REPUBLIC OF LATVIA,	THE HEAD OF STATE OF BARBADOS,	THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA,	THE PRESIDENT OF THE REPUBLIC OF MALI,
THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,	HER MAJESTY THE QUEEN OF BELIZE,	THE PRESIDENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI,	THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS,
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,	THE PRESIDENT OF THE REPUBLIC OF BENIN,	THE PRESIDENT OF THE GABONESE REPUBLIC,	THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA,
THE PRESIDENT OF THE REPUBLIC OF HUNGARY,	THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,	THE PRESIDENT AND HEAD OF STATE OF THE REPUBLIC OF THE GAMBIA,	THE PRESIDENT OF THE REPUBLIC OF MAURITIUS,
THE PRESIDENT OF MALTA,	THE PRESIDENT OF BURKINA FASO,	THE PRESIDENT OF THE REPUBLIC OF GHANA,	THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA,
HER MAJESTY THE QUEEN OF THE NETHERLANDS,	THE PRESIDENT OF THE REPUBLIC OF BURUNDI,	HER MAJESTY THE QUEEN OF GRENADA,	THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE,

THE PRESIDENT OF THE REPUBLIC OF NAMIBIA,	THE PRESIDENT OF THE REPUBLIC OF THE SUDAN,
THE GOVERNMENT OF THE REPUBLIC OF NAURU,	THE PRESIDENT OF THE REPUBLIC OF SURINAME,
THE PRESIDENT OF THE REPUBLIC OF NIGER,	HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA,	THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,
THE GOVERNMENT OF NIUE,	THE PRESIDENT OF THE REPUBLIC OF CHAD,
THE GOVERNMENT OF THE REPUBLIC OF PALAU,	THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE,
HER MAJESTY THE QUEEN OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA,	THE PRESIDENT OF THE TOGOLESE REPUBLIC,
THE PRESIDENT OF THE RWANDESE REPUBLIC,	HIS MAJESTY KING TAUFA'AHAU TUPOU IV OF TONGA,
HER MAJESTY THE QUEEN OF SAINT KITTS AND NEVIS,	THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO,
HER MAJESTY THE QUEEN OF SAINT LUCIA,	HER MAJESTY THE QUEEN OF TUVALU,
HER MAJESTY THE QUEEN OF SAINT VINCENT AND THE GRENADINES,	THE PRESIDENT OF THE REPUBLIC OF UGANDA,
THE HEAD OF STATE OF THE INDEPENDENT STATE OF SAMOA,	THE GOVERNMENT OF THE REPUBLIC OF VANUATU,
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE,	THE PRESIDENT OF THE REP. OF ZAMBIA,
THE PRESIDENT OF THE REPUBLIC OF SENEGAL,	THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE,
THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES,	whose States are hereinafter referred to as "ACP States",
THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,	of the other part, meeting in Benin on the twenty-third day of June in the year two thousand for the signature of the ACP EC Partnership Agreement and in Luxembourg on the twenty-fifth day of June in the year two thousand and five for the signature of the Agreement amending the ACP-EC Partnership Agreement have adopted the following texts:
HER MAJESTY THE QUEEN OF SOLOMON ISLANDS,	The Agreement amending the ACP EC Partnership Agreement, and the following Annexes and Protocols:
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA,	

Annexe I
Financial Protocol

Annexe Ia
Multi-annual financial framework of
cooperation under this Agreement

ANNEXE Ib
Multi-annual financial framework
of the period 2008 to 2013

Annexe II
Terms and Conditions of Financing

Annexe III
Institutional Support – CDE and CTA

Annexe IV
Implementation and management
procedures

Annexe V
Trade regime applicable during
the preparatory period referred to
in Article 37(1)

Annexe VI
List of the least developed, landlocked
and island ACP States

Annexe VII
Political dialogue as regards human
rights, democratic principles and
the rule of law

Protocol 1
on operating expenditure
of the joint institutions

Protocol 2
on privileges and immunities

Protocol 3
on South Africa

The plenipotentiaries of the Member
States and of the Community and the
plenipotentiaries of the ACP States have
adopted the texts of the declarations
listed below annexed to this Final Act:

Cotonou, 23 June 2000
O.J. L 317, 15 December 2000

Declaration I
Joint Declaration on the actors
of the Partnership (Article 6)

Declaration II
Declaration of the Commission and the
Council of the European Union on the clause
concerning the return and readmission of
illegal immigrants (Article 13(5))

Declaration III
Joint Declaration on participation in the
Joint Parliamentary Assembly (Article 17(1))

Declaration IV
Community Declaration on
the financing of the ACP Secretariat

Declaration V
Community Declaration on
the financing of the joint institutions

Declaration VI
Community Declaration relating to the
Protocol on privileges and immunities

Declaration VII
Declaration by the Member States
relating to the Protocol on privileges
and immunities

Declaration VIII
Joint Declaration relating to
the Protocol on privileges and immunities

Declaration IX
Joint Declaration on Article 49(2)
on trade and environment

Declaration X
ACP Declaration on trade
and environment

Declaration XI
Joint Declaration on
the ACP cultural heritage

Declaration XII
Declaration by the ACP States on return
or restitution of cultural property

Declaration XIII
Joint Declaration on copyright

Declaration XIV
Joint Declaration on regional cooperation
and the outermost regions (Article 28)

Declaration XV
Joint Declaration on accession

Declaration XVI
Joint Declaration on accession of
the overseas countries and territories
referred to in Part Four of the EC Treaty

Declaration XVII
Joint Declaration on Article 66 (debt
relief) of the Agreement

Declaration XVIII
EU Declaration on the Financial Protocol

Declaration XIX
Declaration by the Council and the
Commission on the Programming Process

Declaration XX
Joint Declaration on the impact of Export
Revenue Fluctuations on Vulnerable
Small, Island and Landlocked ACP States

Declaration XXI
Community Declaration on Article 3
of Annexe IV

Declaration XXII

Joint Declaration concerning agricultural products referred to in Article 1(2)(a) of Annexe V

Declaration XXIII

Joint Declaration on market access in the EC ACP Partnership

Declaration XXIV

Joint Declaration on rice

Declaration XXV

Joint Declaration on rum

Declaration XXVI

Joint Declaration on beef and veal

Declaration XXVII

Joint Declaration on the arrangements governing access to the markets of the French overseas departments for products originating in the ACP States referred to in Article 1(2) of Annexe V

Declaration XXVIII

Joint Declaration on cooperation between ACP States and the neighbouring overseas countries and territories and French overseas departments

Declaration XXIX

Joint Declaration on products covered by the common agricultural policy

Declaration XXX

ACP Declaration on Article 1 of Annexe V

Declaration XXXI

Community Declaration on Article 5(2)(a) of Annexe V

Declaration XXXII

Joint Declaration on non-discrimination

Declaration XXXIII

Community Declaration on Article 8(3) of Annexe V

Declaration XXXIV

Joint Declaration on Article 12 of Annexe V

Declaration XXXV

Joint Declaration relating to Protocol 1 on Article 7 of Annexe V

Declaration XXXVI

Joint Declaration relating to Protocol 1 of Annexe V

Declaration XXXVII

Joint Declaration relating to Protocol 1 of Annexe V on the origin of fishery products

Declaration XXXVIII

Community Declaration relating to Protocol 1 of Annexe V on the extent of territorial waters

Declaration XXXIX

ACP Declaration relating to Protocol 1 of Annexe V on the origin of fishery products

Declaration XL

Joint Declaration on the application of the value tolerance rule in the tuna sector

Declaration XLI

Joint Declaration on Article 6(11) of Protocol 1 of Annexe V

Declaration XLII

Joint Declaration on rules of origin: cumulation with South Africa

Declaration XLIII

Joint Declaration on Annexe 2 to Protocol 1 of Annexe V

Luxembourg, 25 June 2005
O.J. L 287, 28 October 2005

Declaration I

Joint Declaration on Article 8 of the Cotonou Agreement

Declaration II

Joint Declaration on Article 68 of the Cotonou Agreement

Declaration III

Joint Declaration on Annexe Ia

Declaration IV

Joint Declaration on Article 3(5) of Annexe IV

Declaration V

Joint Declaration on Article 9(2) of Annexe IV

Declaration VI

Joint Declaration on Article 12(2) of Annexe IV

Declaration VII

Joint Declaration on Article 13 of Annexe IV

Declaration VIII

Joint Declaration on Article 19a of Annexe IV

Declaration IX

Joint Declaration on Article 24(3) of Annexe IV

Declaration X

Joint Declaration on Article 2 of Annexe VII

Declaration XI

Community Declaration on Articles 4 and 58(2) of the Cotonou Agreement

Declaration XII

Community Declaration on Article 11a of the Cotonou Agreement

Declaration XIII

Community Declaration on Article 11b(2) of the Cotonou Agreement

Declaration XIV

Community Declaration on Articles 28, 29, 30 and 58 of the Cotonou Agreement and on Article 6 of Annexe IV

Declaration XV

European Union Declaration on Annexe Ia

Declaration XVI

Community Declaration on Articles 4(3), 5(7), 16(5) and (6) and 17(2) of Annexe IV

Declaration XVII

Community Declaration on Article 4(5) of Annexe IV

Declaration XVIII

Community Declaration on Article 20 of Annexe IV

Declaration XIX

Community Declaration on Articles 34, 35 and 36 of Annexe IV

Declaration XX

Community Declaration on Article 3 of Annexe VII

Port Moresby, 1 and 2 June 2006
O.J. L 247, 09 September 2006

1. EPAs: EU Declaration:

2. Decommited funds:
Community Declaration

3. Interest subsidies:
Community Declaration

DECLARATION I

Joint Declaration on the actors of the partnership (Article 6)

The Parties agree that the definition of civil society may differ significantly according to the socio economic and cultural conditions of each ACP country. However, they believe that this definition may include inter alia the following organisations: human rights groups and agencies, grassroots organisations, women's associations, youth organisations, child-protection organisations, environmental movements, farmers' organisations, consumers' associations, religious organisations, development support structures (NGOs, teaching and research establishments), cultural associations and the media.

DECLARATION II

Declaration of the Commission and the Council of the European Union on the clause concerning the return and readmission of illegal immigrants (Article 13(5))

Article 13(5) shall be without prejudice to the internal division of powers between the Community and its Member States for the conclusion of readmission agreements.

DECLARATION III

Joint Declaration on participation in the Joint Parliamentary Assembly (Article 17(1))

The Parties reaffirm the role of the Joint Parliamentary Assembly in promoting and defending democratic processes through dialogue between members of parliament, and agree that the participation of representatives who are not members of a parliament, as set out in Article 17, shall be allowed only in exceptional circumstances. Such participation shall be subject to the approval of the Joint Parliamentary Assembly before each session.

DECLARATION IV Community Declaration on the financing of the ACP Secretariat

The Community shall contribute to the cost of running the ACP Secretariat from intra ACP cooperation resources.

DECLARATION V Community Declaration on the financing of the joint institutions

The Community, being aware that expenditure in connection with interpreting at meetings and the translation of documents is expenditure incurred essentially for its own requirements, is prepared to continue past practice and meet this expenditure both for meetings of the institutions of the Agreement which take place in the territory of a Member State and those which take place in the territory of an ACP State.

DECLARATION VI Community Declaration relating to the Protocol on privileges and immunities

The Protocol on privileges and immunities is a multilateral act from the point of view of international law. However, any specific problems that may arise in the host State regarding the application of this Protocol should be settled by bilateral agreement with that State.

The Community has noted the ACP States' requests that certain provisions of Protocol 2 be modified, notably as regards the status of the staff of the ACP Secretariat, the Centre for the Development of Enterprise (CDE) and the Centre for the Development of Agriculture (CTA).

The Community is willing to seek jointly appropriate solutions in respect of the ACP States' requests with a view to establishing a separate legal instrument as referred to above.

In this context, the host country will, without derogating from the present benefits

enjoyed by the ACP Secretariat, the CDE, the CTA and their staff:

- 1) Show understanding as regards the interpretation of the expression "staff of senior rank", such an interpretation to be arrived at by mutual agreement;
- 2) Recognise the powers delegated by the President of the Council of ACP Ministers to the Chairman of the ACPEC Committee of Ambassadors, in order to simplify implementation of Article 9 of the Protocol;
- 3) Agree to grant certain facilities to the staff of the ACP Secretariat, the CDE and the CTA to facilitate initial installation in the host country;
- 4) Examine in an appropriate way tax related questions concerning the ACP Secretariat, the CDE and the CTA and their staff.

DECLARATION VII Declaration by the Member States relating to the Protocol on privileges and immunities

The Member States shall strive, in the context of their respective regulations, to facilitate throughout their respective territories, the movement in pursuit of their official duties of ACP diplomats accredited to the Community, members of the ACP Secretariat referred to in Article 7 of Protocol 2, whose names and positions shall be communicated in accordance with Article 9 of that Protocol, and the ACP executives of the CDE and the CTA.

DECLARATION VIII Joint Declaration relating to the Protocol on privileges and immunities

Within the context of their respective regulations, the ACP States shall grant Commission delegations privileges and immunities similar to those granted to diplomatic missions so that they are able to carry out the functions incumbent on

them under the Agreement in a satisfactory and effective manner.

DECLARATION IX Joint Declaration on Article 49 (2) on trade and environment

Keenly aware of the specific risks attaching to radioactive waste, the Parties will refrain from any practice of discharging such waste which would encroach upon the sovereignty of States or threaten the environment or public health in other countries. They attach the greatest importance to developing international cooperation to protect the environment and public health against such risks. They accordingly affirm their determination to play an active part in the work being done in the IAEA to produce an internationally approved code of good practice.

Council Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community defines the term "radioactive waste" as any material, which contains or is contaminated by radio nuclides and for which no use is foreseen. The Directive is applicable to shipments of radioactive waste between Member States and into and out of the Community whenever the quantities and concentration exceed the levels laid down in Article 3(2)(a) and (b) of the Council Directive 96/29/Euratom of 13 May 1996. The defined levels ensure basic safety standards for the protection of health of workers and the general public against the dangers arising from ionising radiation.

Shipments of radioactive waste are subject to a system of prior authorisation as defined in Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community. Article 11(1)b of the Directive stipulates that the competent authorities of Member States shall not authorise shipments of radioactive waste

to a State party to the Fourth ACP EEC Convention which is not a member of the Community, taking account, however, of Article 14. The Community ensures that Article 11 of Directive 92/3/Euratom will be revised to cover all Parties of this Agreement which are not members of the Community. Until then, the Community will act, as if the abovementioned parties would already be covered.

The Parties shall make every effort to sign and ratify as quickly as possible the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as well as the 1995 amendment to the Convention, as laid down in Decision III/1.

DECLARATION X ACP Declaration on trade and environment

The ACP States are seriously concerned about environmental problems in general and the transboundary movement of hazardous, nuclear and other radioactive wastes in particular.

In interpreting and implementing the provisions of Article 32(1)(d) of the Agreement, the ACP States have expressed their determination to be guided by the principles and the provisions of the OAU Resolution on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in Africa as contained in AHG 182 (XXV).

DECLARATION XI Joint Declaration on the ACP cultural heritage

1. The Parties express their common will to promote the preservation and enhancement of the cultural heritage of each ACP country, at the international, bilateral and private level and in the context of this Agreement.
2. The Parties acknowledge the need to facilitate the access of ACP historians and researchers to archives with a view

to promoting the development of exchange of information on the cultural heritage of ACP States.

3. They acknowledge the usefulness of providing assistance for the appropriate activities conducted especially in the area of training, for the preservation, protection and exhibition of cultural properties, monuments and objects, including the promulgation and implementation of appropriate legislation.

4. They underpin the importance of undertaking common cultural activities, facilitating the mobility of ACP and European artists, as well as the exchanges of cultural objects which are symbolic of their cultures and civilisations with a view to enhancing mutual understanding and solidarity between their respective populations.

DECLARATION XII

Declaration by the ACP States on return or restitution of cultural property

The ACP States urge the Community and its Member States, insofar as they acknowledge the legitimate right of the ACP States to cultural identity, to promote the return or restitution of cultural property taken from ACP States and now to be found in Member States.

DECLARATION XIII

Joint Declaration on copyright

The Parties acknowledge that promotion of copyright protection is an integral part of cultural cooperation, the aim of which is to enhance all forms of human expression. Furthermore, such protection is a prerequisite for nurturing and developing production, dissemination and publishing activities.

Consequently, the two Parties shall, in the context of ACP EC cultural cooperation,

seek to promote and foster respect for copyright and related rights.

In this context, and in accordance with the rules and procedures laid down by the Agreement, the Community may offer financial and technical support for disseminating copyright information, training economic operators in the protection of such rights and drafting national legislation for their better protection.

DECLARATION XIV

Joint Declaration on regional cooperation and the outermost regions (Article 28)

The reference to the outermost regions concerns the Spanish autonomous community of the Canary Islands, the four French overseas departments, namely Guadeloupe, Guyana, Martinique and Réunion, and the Portuguese autonomous regions of the Azores and Madeira.

DECLARATION XV

Joint Declaration on accession

Any accession of a third State to this Agreement shall be made in compliance with the provisions of Article 1 and the objectives of Article 2 laid down by the ACP Group in the Georgetown Agreement as amended in November 1992.

DECLARATION XVI

Joint Declaration on accession of the overseas countries and territories referred to in Part Four of the EC Treaty

The Community and the ACP States are prepared to allow the overseas countries and territories referred to in Part Four of the Treaty which have become independent to accede to this Agreement, if they wish to continue their relations with the Community in this form.

DECLARATION XVII

Joint Declaration on Article 66 (debt relief) of the Agreement

The Parties agree on the following principles:

- a) In the longer term, the Parties will seek an improvement of the Heavily Indebted Poor Countries initiative and promote a deepening, broadening and speeding up debt relief to ACP Countries;
- b) The Parties will also seek the mobilisation and establishment of support mechanisms for debt reduction in favour of ACP countries who are not yet eligible for the HIPC initiative.

DECLARATION XVIII

EU Declaration on the Financial Protocol

Within the overall amount of EUR 13 500 million of the 9th EDF, EUR 12 500 million shall be made available immediately upon the entry into force of the Financial Protocol. The remaining EUR 1 000 million shall be released on the basis of the performance review referred to in paragraph 7 of the Financial Protocol that shall be undertaken in 2004.

In evaluating the need for new resources, full account shall be taken of this performance review as well as of a date beyond which the funds of the 9th EDF will not be committed.

DECLARATION XIX

Declaration by the Council and the Commission on the Programming Process

The Community and its Member States reaffirm their attachment to the agreement on a reform of the programming process for implementation of assistance financed from the 9th EDF.

In this context, the Community and its Member States regard a properly implemented review mechanism as the most important tool for successful programming. The review process that has been agreed for governing the implementation of the 9th EDF will ensure continuity in the programming process while allowing for regular adjustments of the Country Support Strategy to reflect developments in needs and performance of the ACP State concerned.

In order to reap the full benefits of the reform and ensure the efficiency of the programming process, the Community and its Member States reaffirm the political commitment to the following principles:

The reviews must as far as possible be carried out in the ACP State concerned. Localising the reviews shall not imply that the Member States or the Commission Headquarters shall be prevented from following and being involved in the programming process as appropriate.

The time frames that have been set for completion of the reviews shall be respected.

The reviews must not be an isolated event in the programming process. The reviews shall be regarded as management tools, which synthesise the results of the regular (monthly) dialogue between the National Authorising Officer and the Commission's Head of Delegation.

The reviews must not increase the administrative burden of either of the Parties concerned. The procedures and reporting requirements surrounding the programming process must therefore be managed in a disciplined manner. To this end, the respective roles of the Member States and the Commission in the decision making process will be reviewed and adapted.

DECLARATION XX
Joint Declaration on the Impact of
Export Revenue Fluctuations
on Vulnerable Small, Island
and Landlocked ACP States

The Parties note the concern of ACP States that the modalities of the mechanism for additional support to countries suffering from fluctuation of export revenues may not provide sufficient support to vulnerable small, island and landlocked States subject to volatile export revenues.

From the second year of operation of the mechanism, and on request of one or more ACP States who have met with difficulties, the Parties agree to re examine the modalities of the mechanism on the basis of a proposal from the Commission, with a view, where necessary, to remedy the effects of such fluctuations.

DECLARATION XXI
Community Declaration on Article 3
of Annexe IV

The notification of the indicative amount referred to in Article 3 of Annexe IV, will not apply to the ACP States with whom the Community has suspended its cooperation.

DECLARATION XXII

Joint Declaration concerning agricultural
products referred to in Article 1(2)(a)
of Annexe V

The Parties have taken note that the Community intends to take the measures mentioned in the Annexe, and which are laid down at the date of signing of the Agreement, with a view to granting ACP States the preferential treatment provided for in Article 1(2)(a), for certain agricultural and processed products.

They have taken note that the Community declares that it will take all the measures required to ensure that the corresponding

agricultural regulations are adopted in good time and that, wherever possible, they come into force at the same time as the interim arrangements which will be introduced after the signing of the successor Agreement to the Fourth ACP EC Convention signed in Lomé on 15 December 1989.

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

01 LIVE ANIMALS

0101 LIVE HORSES, ASSES, MULES AND HINNIES
0101 exemption

0102 LIVE BOVINE ANIMALS
01029005 reduction 100% ad valorem customs duties
01029021 reduction 100% ad valorem customs duties
01029029 reduction 100% ad valorem customs duties
01029041 reduction 100% ad valorem customs duties
01029049 reduction 100% ad valorem customs duties
01029051 reduction 100% ad valorem customs duties
01029059 reduction 100% ad valorem customs duties
01029061 reduction 100% ad valorem customs duties
01029069 reduction 100% ad valorem customs duties
01029071 reduction 100% ad valorem customs duties
01029079 reduction 100% ad valorem customs duties

0103 LIVE SWINE
01039110 reduction 16%
01039211 reduction 16%
01039219 reduction 16%

0104 LIVE SHEEP AND GOATS
01041030 reduction 100% customs duties within the limit of the quota (ctg 1)
01041080 reduction 100% customs duties within the limit of the quota (ctg 1)
01042010 exemption
01042090 reduction 100% customs duties within the limit of the quota (ctg 1)

0105 LIVE POULTRY, FOWLS OF THE SPECIES GALLUS DOMESTICUS,
DUCKS, GEESE, TURKEYS AND GUINEA FOWLS
0105 reduction 16%

0106 LIVE ANIMALS (EXCL. HORSES, ASSES, MULES, HINNIES, BOVINE
ANIMALS, SWINE, SHEEP, GOATS, POULTRY, FISH, CRUSTACEANS,
MOLLUSCS AND OTHER AQUATIC INVERTEBRATES, AND MICRO
ORGANIC CULTURES, ETC.)
0106 exemption

02 MEAT AND EDIBLE MEAT OFFAL

0201 MEAT OF BOVINE ANIMALS, FRESH OR CHILLED
0201 reduction 100% ad valorem customs duties (1)

0202 MEAT OF BOVINE ANIMALS, FROZEN
0202 reduction 100% ad valorem customs duties (1)

0203 EAT OF SWINE, FRESH, CHILLED OR FROZEN
02031110 within the limit of the quota (ctg 7) reduction 50%
02031190 exemption
02031211 within the limit of the quota (ctg 7) reduction 50%
02031219 within the limit of the quota (ctg 7) reduction 50%
02031290 exemption
02031911 within the limit of the quota (ctg 7) reduction 50%
02031913 within the limit of the quota (ctg 7) reduction 50%
02031915 within the limit of the quota (ctg 7) reduction 50%
ex 02031955 within the limit of the quota (ctg 7) reduction 50%
(excluding tenderloin presented separately)
02031959 within the limit of the quota (ctg 7) reduction 50%
02031990 exemption

	02032110	within the limit of the quota (ctg 7) reduction 50%
	02032190	exemption
	02032211	within the limit of the quota (ctg 7) reduction 50%
	02032219	within the limit of the quota (ctg 7) reduction 50%
	02032290	exemption
	02032911	within the limit of the quota (ctg 7) reduction 50%
	02032913	within the limit of the quota (ctg 7) reduction 50%
	02032915	within the limit of the quota (ctg 7) reduction 50%
ex	02032955	within the limit of the quota (ctg 7) reduction 50% (excluding the tenderloin in one piece)
	02032959	within the limit of the quota (ctg 7) reduction 50%
	02032990	exemption
	0204	MEAT OF SHEEP OR GOATS, FRESH, CHILLED OR FROZEN
	0204	reduction 100% ad valorem customs duties; domestic sheep: within the limit of the quota (quota 2) reduction 65% specific duties; other species: within the limit of the quota (quota 1) reduction 100% specific duties
	0205	MEAT OF HORSES, ASSES, MULES OR HINNIES, FRESH, CHILLED OR FROZEN
	0205	exemption
	0206	EDIBLE OFFAL OF BOVINE ANIMALS, SWINE, SHEEP, GOATS, HORSES, ASSES, MULES OR HINNIES, FRESH, CHILLED OR FROZEN
	02061091	exemption
	02061095	reduction 100% ad valorem customs duties (†)
	02061099	exemption
	020621	exemption
	020622	exemption
	02062991	reduction 100% ad valorem customs duties (†)
	02062999	exemption
	02063021	within the limit of the quota (ctg 7) reduction 50%
	02063031	within the limit of the quota (ctg 7) reduction 50%
	02063090	exemption
	02064191	within the limit of the quota (ctg 7) reduction 50%
	02064199	exemption
	02064991	within the limit of the quota (ctg 7) reduction 50%
	02064999	exemption
	020680	exemption
	020690	exemption
	0207	MEAT AND EDIBLE OFFAL OF FOWLS OF THE SPECIES GALLUS DOMESTICUS, DUCKS, GEESE, TURKEYS AND GUINEA FOWLS, FRESH, CHILLED OR FROZEN
	0207	within the limit of the quota (ctg 3) reduction 65%
	0208	MEAT AND EDIBLE OFFAL OF RABBITS, HARES, PIGEONS AND OTHER ANIMALS NOT ELSEWHERE SPECIFIED OR INCLUDED, FRESH, CHILLED OR FROZEN
	0208	exemption
	0209	PIG FAT, FREE OF LEAN MEAT AND POULTRY FAT NOT RENDERED, FRESH, CHILLED, FROZEN, SALTED, IN BRINE, DRIED OR SMOKED
	02090011	within the limit of the quota (ctg 7) reduction 50%
	02090019	within the limit of the quota (ctg 7) reduction 50%
	02090030	within the limit of the quota (ctg 7) reduction 50%
	02090090	reduction 16%

	0210	MEAT AND EDIBLE OFFAL, SALTED, IN BRINE, DRIED OR SMOKED; EDIBLE FLOURS AND MEALS OF MEAT OR MEAT OFFAL
	02101111	within the limit of the quota (ctg 7) reduction 50%
	02101119	within the limit of the quota (ctg 7) reduction 50%
	02101131	within the limit of the quota (ctg 7) reduction 50%
	02101139	within the limit of the quota (ctg 7) reduction 50%
	02101190	exemption
	02101211	within the limit of the quota (ctg 7) reduction 50%
	02101219	within the limit of the quota (ctg 7) reduction 50%
	02101290	exemption
	02101910	within the limit of the quota (ctg 7) reduction 50%
	02101920	within the limit of the quota (ctg 7) reduction 50%
	02101930	within the limit of the quota (ctg 7) reduction 50%
	02101940	within the limit of the quota (ctg 7) reduction 50%
	02101951	within the limit of the quota (ctg 7) reduction 50%
	02101959	within the limit of the quota (ctg 7) reduction 50%
	02101960	within the limit of the quota (ctg 7) reduction 50%
	02101970	within the limit of the quota (ctg 7) reduction 50%
	02101981	within the limit of the quota (ctg 7) reduction 50%
	02101989	within the limit of the quota (ctg 7) reduction 50%
	02101990	exemption
	021020	reduction 100% ad valorem customs duties
	02109010	exemption
	02109011	reduction 100% ad valorem customs duties; domestic sheep: within the limit of the quota (quota 2) reduction 65% specific duties; other species: within the limit of the quota (quota 1) reduction 100% specific duties
	02109019	reduction 100% ad valorem customs duties; domestic sheep: within the limit of the quota (quota 2) reduction 65% specific duties; other species: within the limit of the quota (quota 1) reduction 100% specific duties
	02109021	exemption
	02109029	exemption
	02109031	within the limit of the quota (ctg 7) reduction 50%
	02109039	within the limit of the quota (ctg 7) reduction 50%
	02109041	reduction 100% ad valorem customs duties
	02109049	exemption
	02109060	exemption
	02109071	reduction 16%
	02109079	reduction 16%
	02109080	exemption
	02109090	reduction 100% ad valorem customs duties
03	FISH AND CRUSTACEANS, MOLLUSCS AND OTHER AQUATIC INVERTEBRATES	
	03	exemption
04	DAIRY PRODUCE; BIRDS' EGGS; NATURAL HONEY; EDIBLE PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED	
	0401	MILK AND CREAM, NOT CONCENTRATED NOR CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER
	0401	reduction 16%
	0402	MILK AND CREAM, CONCENTRATED OR CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER
	0402	within the limit of the quota (ctg 5) reduction 65%

0403	BUTTERMILK, CURDLED MILK AND CREAM, YOGURT, KEPHIR AND OTHER FERMENTED OR ACIDIFIED MILK AND CREAM, WHETHER OR NOT CONCENTRATED OR FLAVOURED OR CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER, FRUITS, NUTS OR COCOA
04031011	reduction 16%
04031013	reduction 16%
04031019	reduction 16%
04031031	reduction 16%
04031033	reduction 16%
04031039	reduction 16%
04031051	reduction 100% ad valorem customs duties
04031053	reduction 100% ad valorem customs duties
04031059	reduction 100% ad valorem customs duties
04031091	reduction 100% ad valorem customs duties
04031093	reduction 100% ad valorem customs duties
04031099	reduction 100% ad valorem customs duties
04039011	reduction 16%
04039013	reduction 16%
04039019	reduction 16%
04039031	reduction 16%
04039033	reduction 16%
04039039	reduction 16%
04039051	reduction 16%
04039053	reduction 16%
04039059	reduction 16%
04039061	reduction 16%
04039063	reduction 16%
04039069	reduction 16%
04039071	reduction 100% ad valorem customs duties
04039073	reduction 100% ad valorem customs duties
04039079	reduction 100% ad valorem customs duties
04039091	reduction 100% ad valorem customs duties
04039093	reduction 100% ad valorem customs duties
04039099	reduction 100% ad valorem customs duties
0404	WHEY, WHETHER OR NOT CONCENTRATED OR CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER; PRODUCTS CONSISTING OF NATURAL MILK CONSTITUENTS, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER, NOT ELSEWHERE SPECIFIED OR INCLUDED
0404	reduction 16%
0405	BUTTER AND OTHER FATS AND OILS DERIVED FROM MILK
0405	reduction 16%
0406	CHEESE AND CURD
0406	within the limit of the quota (ctg 6) reduction 65%
0407	BIRDS' EGGS, IN SHELL, FRESH, PRESERVED OR COOKED
04070011	reduction 16%
04070019	reduction 16%
04070030	reduction 16%
04070090	exemption
0408	BIRDS' EGGS, NOT IN SHELL, AND EGG YOLKS, FRESH, DRIED, COOKED BY STEAMING OR BY BOILING IN WATER, MOULDED, FROZEN OR OTHERWISE PRESERVED, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER
04081180	reduction 16%
04081981	reduction 16%

04081989	reduction 16%
04089180	reduction 16%
04089980	reduction 16%
0409	NATURAL HONEY
0409	exemption
0410	TURTLES' EGGS, BIRDS' NESTS AND OTHER EDIBLE PRODUCTS OF ANIMAL ORIGIN NOT ELSEWHERE SPECIFIED OR INCLUDED
0410	exemption
05	PRODUCTS OF ANIMAL ORIGIN NOT ELSEWHERE SPECIFIED OR INCLUDED
05	exemption
06	LIVE TREES AND OTHER PLANTS; BULBS, ROOTS AND THE LIKE; CUT FLOWERS AND ORNAMENTAL FOLIAGE
06	exemption
07	EDIBLE VEGETABLES AND CERTAIN ROOTS AND TUBERS
0701	POTATOES, FRESH OR CHILLED
0701	exemption
0702	TOMATOES, FRESH OR CHILLED
0702	tomatoes other than cherry tomatoes 15/11-30/4: reduction 60% ad valorem customs duties within the limit of the quota (quota 13a); cherry tomatoes 15/11-30/4: reduction 100% ad valorem customs duties within the limit of the quota (quota 13b)
0703	ONIONS, SHALLOTS, GARLIC, LEEKS AND OTHER ALLIACEOUS VEGETABLES, FRESH OR CHILLED
07031019	reduction 15% from 16/5-31/1, exemption 1/2-15/5
07031090	reduction 16%
070320	reduction 15% from 1/6-31/1, exemption 1/2-31/5
070390	reduction 16%
0704	CABBAGES, CAULIFLOWERS, KOHLRABI, KALE AND SIMILAR EDIBLE BRASSICAS, FRESH OR CHILLED
070410	reduction 16%
070420	reduction 16%
07049010	reduction 16%
07049090	Chinese cabbage: reduction 15% 1/1-30/10, exemption 1/11-31/12; other cabbages: reduction 16%
0705	LETTUCE "LACTUCA SATIVA" AND CHICORY "CICHORIUM SPP", FRESH OR CHILLED
070511	Iceberg salad: reduction 15% 1/11-30/6, exemption 1/7-31/10; other salads: reduction 16%
070519	reduction 16%
070521	reduction 16%
070529	reduction 16%
0706	CARROTS, TURNIPS, SALAD BEETROOT, SALSIFY, CELERIAC, RADISHES AND SIMILAR EDIBLE ROOTS, FRESH OR CHILLED
070610	carrots: reduction 15% 1/4-31/12, exemption 1/1-31/3; turnips: reduction 16%
07069005	reduction 16%
07069011	reduction 16%

	07069017	reduction 16%
	07069030	exemption
ex	07069090	salad beetroot and radishes (raphanus sativus): exemption
	0707	CUCUMBERS AND GHERKINS, FRESH OR CHILLED
ex	07070005	small winter cucumbers 1/11-15/5: reduction 100% ad valorem customs duties; winter cucumbers other than small cucumbers: reduction 16% ad valorem customs duties
	07070090	reduction 16%
	0708	LEGUMINOUS VEGETABLES, SHELLLED OR UNSHELLED, FRESH OR CHILLED
	0708	exemption
	0709	OTHER VEGETABLES, FRESH OR CHILLED
	070910	reduction 15% from 1/1-30/9, reduction 100% ad valorem customs duties 1/10-31/12
	070920	reduction 15% from 1/2-14/8, reduction 40% from 16/1-31/1, exemption 15/8 15/1
	070930	exemption
	070940	exemption
	07095110	reduction 16%
	07095130	reduction 16%
	07095150	reduction 16%
	07095190	exemption
	070952	reduction 16%
	070960	exemption
	070970	reduction 16%
	07099010	reduction 16%
	07099020	reduction 16%
	07099040	reduction 16%
	07099050	reduction 16%
	07099060	reduction 1,81 EUR/t
	07099070	reduction 100% ad valorem customs duties
	07099090	exemption
	0710	VEGETABLES, UNCOOKED OR COOKED BY STEAMING OR BOILING IN WATER, FROZEN
	071010	exemption
	071021	exemption
	071022	exemption
	071029	exemption
	071030	exemption
	071040	reduction 100% ad valorem customs duties
	07108051	exemption
	07108059	exemption
	07108061	exemption
	07108069	exemption
	07108070	exemption
	07108080	exemption
	07108085	exemption
	07108095	exemption
	071090	exemption
	0711	VEGETABLES PROVISIONALLY PRESERVED, E.G. BY SULPHUR DIOXIDE GAS, IN BRINE, IN SULPHUR WATER OR IN OTHER PRESERVATIVE SOLUTIONS, BUT UNSUITABLE IN THAT STATE FOR IMMEDIATE CONSUMPTION
	071110	exemption
	071130	exemption

	071140	exemption
	07119010	exemption
	07119030	reduction 100% ad valorem customs duties
	07119040	exemption
	07119060	exemption
	07119070	exemption
	07119090	exemption
	0712	DRIED VEGETABLES, WHOLE, CUT, SLICED, BROKEN OR IN POWDER, BUT NOT FURTHER PREPARED
	071220	exemption
	071230	exemption
	07129005	exemption
	07129019	reduction 1,81 EUR/t
	07129030	exemption
ex	07129050	exemption
	07129090	exemption except olives
	0713	DRIED LEGUMINOUS VEGETABLES, SHELLLED, WHETHER OR NOT SKINNED OR SPLIT
	0713	exemption
	0714	MANIOC, ARROWROOT, SALEP, JERUSALEM ARTICHOKEs, SWEET POTATOES AND SIMILAR ROOTS AND TUBERS WITH HIGH STARCH OR INULIN CONTENT, FRESH OR DRIED, WHETHER OR NOT SLICED OR IN THE FORM OF PELLETS; SAGO PITH
	07141010	reduction 8,38 EUR/t
	07141091	exemption
	07141099	reduction 6,19 EUR/t
	071420	exemption
	07149011	exemption
	07149019	reduction 6,19 EUR/t; arrow-root: exemption
	07149090	exemption
08	EDIBLE FRUIT AND NUTS; PEEL OF CITRUS FRUITS OR MELONS	
	0801	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DRIED, WHETHER OR NOT SHELLLED OR PEELED
	0801	exemption
	0802	OTHER NUTS, FRESH OR DRIED, WHETHER OR NOT SHELLLED OR PEELED (EXCL. COCONUTS, BRAZIL NUTS AND CASHEW NUTS)
	08021190	reduction 16%
	08021290	reduction 16%
	080221	reduction 16%
	080222	reduction 16%
	080231	exemption
	080232	exemption
	080240	reduction 16%
	080250	exemption
	080290	exemption
	0803	BANANAS, INCL. PLANTAINS, FRESH OR DRIED
	08030011	exemption
	08030019	The Community import regime for bananas is presently under review. The Parties agree to provide appropriate preferential access for ACP bananas in the context of the Community's future banana regime.
	08030090	exemption

0804	DATES, FIGS, PINEAPPLES, AVOCADOS, GUAVAS, MANGOES AND MANGOSTEENS, FRESH OR DRIED
080410	exemption
08042010	exemption from 1/11-30/4 within the limit of the ceiling (ceiling 3)
08042090	exemption
080430	exemption
080440	exemption
080450	exemption
0805	CITRUS FRUIT, FRESH OR DRIED
080510	reduction 80% ad valorem customs duties; within the framework of the reference quantity (rq 1) 15/5-30/9 reduction 100% ad valorem customs duties (*)
080520	reduction 80% ad valorem customs duties; within the framework of the reference quantity (rq 2) 15/5-30/9 reduction 100% ad valorem customs duties (*)
08053090	exemption
080540	exemption
080590	exemption
0806	GRAPES, FRESH OR DRIED
ex 08061010	seedless table grapes: within the limit of the quota (quota 14) 1/12-31/1 exemption; within the framework of the reference quantity (rq 3) 1/2-31/3 exemption (*)
080620	exemption
0807	MELONS, INCL. WATERMELONS, AND PAPAWS "PAPAYAS", FRESH
0807	exemption
0808	APPLES, PEARS AND QUINCES, FRESH
080810	within the limit of the quota (ctg 15) reduction 50% ad valorem customs duties
08082010	within the limit of the quota (ctg 16) reduction 65% ad valorem customs duties
08082050	within the limit of the quota (ctg 16) reduction 65% ad valorem customs duties
08082090	reduction 16%
0809	APRICOTS, CHERRIES, PEACHES INCL. NECTARINES, PLUMS AND SLOES, FRESH
080910	from 1/5-31/8 reduction 15% ad valorem customs duties, 1/9-30/4 exemption
08092005	from 1/11-31/3: exemption
080930	from 1/4-30/11 reduction 15% ad valorem customs duties, 1/12-31/3 exemption
08094005	from 1/4-14/12 reduction 15% ad valorem customs duties, 15/12-31/3 exemption
08094090	exemption
0810	STRAWBERRIES, RASPBERRIES, BLACKBERRIES, BLACK, WHITE OR RED CURRANTS, GOOSEBERRIES AND OTHER EDIBLE FRUIT, NOT ELSEWHERE SPECIFIED OR INCLUDED, FRESH
08101005	within the limit of the quota (ctg 17) from 1/11-29/2 exemption
08101080	within the limit of the quota (ctg 17) from 1/11-29/2 exemption
081020	reduction 16%
081030	reduction 16%
08104030	exemption
08104050	duty = 3%
08104090	duty = 5%
081090	exemption

0811	FRUIT AND NUTS, UNCOOKED OR COOKED BY STEAMING OR BOILING IN WATER, FROZEN, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER
08111011	reduction 100% ad valorem customs duties
08111019	exemption
08111090	exemption
08112011	reduction 100% ad valorem customs duties
08112019	exemption
08112031	exemption
08112039	exemption
08112051	exemption
08112059	exemption
08112090	exemption
08119011	reduction 100% ad valorem customs duties
08119019	reduction 100% ad valorem customs duties
08119031	exemption
08119039	exemption
08119050	exemption
08119070	exemption
08119075	exemption
08119080	exemption
08119085	exemption
08119095	exemption
0812	FRUIT AND NUTS, PROVISIONALLY PRESERVED, E.G. BY SULPHUR DIOXIDE GAS, IN BRINE, IN SULPHUR WATER OR IN OTHER PRESERVATIVE SOLUTIONS, BUT UNSUITABLE IN THAT STATE FOR IMMEDIATE CONSUMPTION
081210	exemption
081220	exemption
08129010	exemption
08129020	exemption
08129030	exemption
08129040	exemption
08129050	exemption
08129060	exemption
08129070	exemption
08129095	exemption
0813	APRICOTS, PRUNES, APPLES, PEACHES, PEARS, PAPAWS, TAMARINDS AND OTHER DRIED FRUIT NOT ELSEWHERE SPECIFIED OR INCLUDED; MIXTURES OF EDIBLE NUTS OR DRIED FRUITS
0813	exemption
0814	PEEL OF CITRUS FRUIT OR MELONS, INCL. WATERMELONS, FRESH, FROZEN, DRIED OR PROVISIONALLY PRESERVED IN BRINE, OR IN WATER WITH OTHER ADDITIVES
0814	exemption
0814	exemption
09	COFFEE, TEA, MATE AND SPICES
09	exemption
10	CEREALS
1001	WHEAT AND MESLIN
100110	within the limit of the quota (ctg 10) reduction 50%
10019010	exemption
10019091	within the limit of the quota (ctg 10) reduction 50%
10019099	within the limit of the quota (ctg 10) reduction 50%

1002	RYE
1002	within the limit of the quota (ctg 10) reduction 50%
1003	BARLEY
1003	within the limit of the quota (ctg 10) reduction 50%
1004	OATS
1004	within the limit of the quota (ctg 10) reduction 50%
1005	MAIZE OR CORN
10051090	reduction 1,81 EUR/t
100590	reduction 1,81 EUR/t
1006	RICE
10061010	exemption
10061021	within the limit of the quota (ctg 11) reduction 65% and 4,34 EUR/t ^(c)
10061023	within the limit of the quota (ctg 11) reduction 65% and 4,34 EUR/t ^(c)
10061025	within the limit of the quota (ctg 11) reduction 65% and 4,34 EUR/t ^(c)
10061027	within the limit of the quota (ctg 11) reduction 65% and 4,34 EUR/t ^(c)
10061092	within the limit of the quota (ctg 11) reduction 65% and 4,34 EUR/t ^(c)
10061094	within the limit of the quota (ctg 11) reduction 65% and 4,34 EUR/t ^(c)
10061096	within the limit of the quota (ctg 11) reduction 65% and 4,34 EUR/t ^(c)
10061098	within the limit of the quota (ctg 11) reduction 65% and 4,34 EUR/t ^(c)
100620	within the limit of the quota (ctg 11) reduction 65% and 4,34 EUR/t ^(c)
100630	within the limit of the quota (ctg 11) reduction of 16,78 EUR/t, then reduced by 65% and 6,52 EUR/t ^(c)
100640	within the limit of the quota (ctg 12) reduction 65% and 3,62 EUR/t ^(c)
1007	GRAIN SORGHUM
1007	reduction 60% within the limit of the ceiling (ceiling 3) ⁽ⁱ⁾
1008	BUCKWHEAT, MILLET, CANARY SEED AND OTHER CEREALS (EXCL. WHEAT AND MESLIN, RYE, BARLEY, OATS, MAIZE, RICE AND GRAIN SORGHUM)
100810	within the limit of the quota (ctg 10) reduction 50%
100820	reduction 100% within the limit of the ceiling (ceiling 2) ⁽ⁱ⁾
100890	within the limit of the quota (ctg 10) reduction 50%

11 PRODUCTS OF THE MILLING INDUSTRY; MALT; STARCHES; INULIN; WHEAT GLUTEN

1101	WHEAT OR MESLIN FLOUR
1101	reduction 16%
1102	CEREAL FLOURS (EXCL. WHEAT OR MESLIN)
110210	reduction 16%
11022010	reduction 7,3 EUR/t
11022090	reduction 3,6 EUR/t
110230	reduction 3,6 EUR/t
11029010	reduction 7,3 EUR/t
11029030	reduction 7,3 EUR/t
11029090	reduction 3,6 EUR/t
1103	CEREAL GROATS, MEAL AND PELLETS
110311	reduction 16%
110312	reduction 7,3 EUR/t
11031310	reduction 7,3 EUR/t
11031390	reduction 3,6 EUR/t
110314	reduction 3,6 EUR/t
11031910	reduction 7,3 EUR/t
11031930	reduction 7,3 EUR/t

11031990	reduction 3,6 EUR/t
110321	reduction 7,3 EUR/t
11032910	reduction 7,3 EUR/t
11032920	reduction 7,3 EUR/t
11032930	reduction 7,3 EUR/t
11032940	reduction 7,3 EUR/t
11032950	reduction 3,6 EUR/t
11032990	reduction 3,6 EUR/t
1104	CEREAL GRAINS OTHERWISE WORKED, E.G. HULLED, ROLLED, FLAKED, PEARLED, SLICED OR KEBBLED; GERM OF CEREALS, WHOLE, ROLLED, FLAKED OR GROUND (EXCL. CEREAL FLOURS, AND HUSKED AND SEMI- OR WHOLLY MILLED RICE AND BROKEN RICE)
11041110	reduction 3,6 EUR/t
11041190	reduction 7,3 EUR/t
11041210	reduction 3,6 EUR/t
11041290	reduction 7,3 EUR/t
110419	reduction 7,3 EUR/t
11042110	reduction 3,6 EUR/t
11042130	reduction 3,6 EUR/t
11042150	reduction 7,3 EUR/t
11042190	reduction 3,6 EUR/t
11042199	reduction 3,6 EUR/t
110422	reduction 3,6 EUR/t
110423	reduction 3,6 EUR/t
110429	reduction 3,6 EUR/t
110430	reduction 7,3 EUR/t
1105	FLOUR, MEAL, FLAKES, GRANULES AND PELLETS OF POTATOES
1105	exemption
1106	FLOUR, MEAL AND POWDER OF THE DRIED LEGUMINOUS VEGETABLES OF HEADING 0713, OF SAGO OR OF ROOTS AND TUBERS OF HEADING 0714 OR OF THE PRODUCTS OF CHAPTER 8
110610	exemption
11062010	reduction 7,98 EUR/t; arrow root: exemption
11062090	reduction 29,18 EUR/t; arrow root: exemption
110630	exemption
1108	STARCHES; INULIN
110811	reduction 24,8 EUR/t
110812	reduction 24,8 EUR/t
110813	reduction 24,8 EUR/t
110814	reduction 50% + reduction 24,8 EUR/t
11081910	reduction 37,2 EUR/t
11081990	reduction 50% + reduction 24,8 EUR/t; arrow root: exemption
110820	exemption
1109	WHEAT GLUTEN, WHETHER OR NOT DRIED
1109	reduction 219 EUR/t
12	OIL SEEDS AND OLEAGINOUS FRUITS; MISCELLANEOUS GRAINS, SEEDS AND FRUIT; INDUSTRIAL OR MEDICAL PLANTS; STRAW AND FODDER
1208	FLOURS AND MEALS OF OIL SEEDS OR OLEAGINOUS FRUITS (EXCL. MUSTARD)
120810	exemption

1209	SEEDS, FRUITS AND SPORES, FOR SOWING (EXCL. LEGUMINOUS VEGETABLES AND SWEETCORN, COFFEE, TEA, MATE AND SPICES, CEREALS, OIL SEEDS AND OLEAGINOUS FRUITS, AND SEEDS AND FRUIT USED PRIMARILY IN PERFUMERY
1209	exemption
1210	HOP CONES, FRESH OR DRIED, WHETHER OR NOT GROUND, POWDERED OR IN THE FORM OF PELLETS; LUPULIN
1210	exemption
1211	PLANTS AND PARTS OF PLANTS, INCL. SEEDS AND FRUITS, OF A KIND USED PRIMARILY IN PERFUMERY, MEDICAMENTS OR FOR INSECTICIDAL, FUNGICIDAL OR SIMILAR PURPOSES, FRESH OR DRIED, WHETHER OR NOT CUT, CRUSHED OR POWDERED
1211	exemption
1212	LOCUST BEANS, SEAWEEDS AND OTHER ALGAE, SUGAR BEET AND SUGAR CANE, FRESH OR DRIED, WHETHER OR NOT GROUND; FRUIT STONES AND KERNELS AND OTHER VEGETABLE PRODUCTS, INCL. UNROASTED CHICORY ROOTS OF THE VARIETY CICHORIUM INTYBU
121210	exemption
121230	exemption
121291	reduction 16% (?)
121292	reduction 16% (?)
12129910	exemption
1214	SWEDES, MANGOLDS, FODDER ROOTS, HAY, ALFALFA, CLOVER, SAINFOIN, FORAGE KALE, LUPINES, VETCHES AND SIMILAR FORAGE PRODUCTS, WHETHER OR NOT IN THE FORM OF PELLETS
12149010	exemption
13	LACS; GUMS, RESINS AND OTHER VEGETABLE SAPS AND EXTRACTS
13	exemption
15	ANIMAL OR VEGETABLE FATS AND OILS AND THEIR CLEAVAGE PRODUCTS; PREPARED EDIBLE FATS; ANIMAL OR VEGETABLE WAXES
1501	LARD; OTHER PIG FAT AND POULTRY FAT, RENDERED, WHETHER OR NOT PRESSED OR SOLVENT EXTRACTED
1501	reduction 16%
1502	FATS OF BOVINE ANIMALS, SHEEP OR GOATS, RAW OR RENDERED, WHETHER OR NOT PRESSED OR SOLVENT EXTRACTED
1502	exemption
1503	LARD STEARIN, LARD OIL, OLEOSTEARIN, OLEO OIL AND TALLOW OIL (EXCL. EMULSIFIED, MIXED OR OTHERWISE PREPARED)
1503	exemption
1504	FATS AND OILS AND THEIR FRACTIONS OF FISH OR MARINE MAMMALS, WHETHER OR NOT REFINED (EXCL. CHEMICALLY MODIFIED)
1504	exemption
1505	WOOL GREASE AND FATTY SUBSTANCES DERIVED THEREFROM, INCL. LANOLIN
1505	exemption

1506	OTHER ANIMAL FATS AND OILS AND THEIR FRACTIONS, WHETHER OR NOT REFINED, BUT NOT CHEMICALLY MODIFIED (EXCL. PIG FAT, POULTRY FAT, FATS OF BOVINE ANIMALS, SHEEP AND GOATS, FATS OF FISH AND OTHER MARINE ANIMALS, LARD STEARIN,
1506	exemption
1507	SOYA BEAN OIL AND ITS FRACTIONS, WHETHER OR NOT REFINED (EXCL. CHEMICALLY MODIFIED)
1507	exemption
1508	GROUND NUT OIL AND ITS FRACTIONS, WHETHER OR NOT REFINED, BUT NOT CHEMICALLY MODIFIED
1508	exemption
1511	PALM OIL AND ITS FRACTIONS, WHETHER OR NOT REFINED (EXCL. CHEMICALLY MODIFIED)
1511	exemption
1512	SUNFLOWER-SEED, SAFFLOWER OR COTTON-SEED OIL AND FRACTIONS THEREOF, WHETHER OR NOT REFINED, BUT NOT CHEMICALLY MODIFIED
1512	exemption
1513	COCONUT "COPRA", PALM KERNEL OR BABASSU OIL AND FRACTIONS THEREOF, WHETHER OR NOT REFINED, BUT NOT CHEMICALLY MODIFIED
1513	exemption
1514	RAPE, COLZA OR MUSTARD OIL AND FRACTIONS THEREOF, WHETHER OR NOT REFINED, BUT NOT CHEMICALLY MODIFIED
1514	exemption
1515	OTHER FIXED VEGETABLE FATS AND OILS, INCL. JOJOBA OIL, AND THEIR FRACTIONS, WHETHER OR NOT REFINED, BUT NOT CHEMICALLY MODIFIED
1515	exemption
1516	ANIMAL OR VEGETABLE FATS AND OILS AND THEIR FRACTIONS, PARTLY OR WHOLLY HYDROGENATED, INTER ESTERIFIED, RE-ESTERIFIED OR ELAIDINISED, WHETHER OR NOT REFINED, BUT NOT FURTHER PREPARED
1516	exemption
1517	MARGARINE, OTHER EDIBLE MIXTURES OR PREPARATIONS OF ANIMAL OR VEGETABLE FATS OR OILS AND EDIBLE FRACTIONS OF DIFFERENT FATS OR OILS
15171010	reduction 100% ad valorem customs duties
15171090	exemption
15179010	reduction 100% ad valorem customs duties
15179091	exemption
15179093	exemption
15179099	exemption
1518	ANIMAL OR VEGETABLE FATS AND OILS AND THEIR FRACTIONS, BOILED, OXIDISED, DEHYDRATED, SULPHURISED, BLOWN, POLYMERISED BY HEAT IN VACUUM OR IN INERT GAS OR OTHERWISE CHEMICALLY MODIFIED; INEDIBLE MIXTURES OR PREPARATIONS OF ANIMAL OR VEGETABLE FATS OR OILS OR FRACTIONS OF DIFFERENT FATS OR OILS, NOT ELSEWHERE SPECIFIED OR INCLUDED
1518	exemption

1520	GLYCEROL "GLYCERINE", WHETHER OR NOT PURE; GLYCEROL WATERS AND GLYCEROL LYES
1520	exemption
1521	VEGETABLE WAXES, BEESWAX, OTHER INSECT WAXES AND SPERMACEI, WHETHER OR NOT REFINED OR COLOURED (EXCL. TRIGLY-CERIDES)
1521	exemption
1522	DEGRAS; RESIDUES RESULTING FROM THE TREATMENT OF FATTY SUBSTANCES OR ANIMAL OR VEGETABLE WAXES
15220010	exemption
15220091	exemption
15220099	exemption
16	PREPARATIONS OF MEAT, FISH OR CRUSTACEANS, MOLLUSCS OR OTHER AQUATIC INVERTEBRATES
1601	SAUSAGES AND SIMILAR PRODUCTS, OF MEAT, OFFAL OR BLOOD; FOOD PREPARATIONS BASED ON THESE PRODUCTS within the limit of the quota (ctg 8) reduction 65%
1601	
1602	PREPARED OR PRESERVED MEAT, OFFAL OR BLOOD (EXCL. SAUSAGES AND SIMILAR PRODUCTS, AND MEAT EXTRACTS AND JUICES)
160210	reduction 16%
16022011	exemption
16022019	exemption
16022090	reduction 16%
160231	within the limit of the quota (ctg 4) reduction 65%
160232	within the limit of the quota (ctg 4) reduction 65%
160239	within the limit of the quota (ctg 4) reduction 65%
16024110	reduction 16%
16024190	exemption
16024210	reduction 16%
16024290	exemption
160249	reduction 16%
16025031	exemption
16025039	exemption
16025080	exemption
16029010	reduction 16%
16029031	exemption
16029041	exemption
16029051	reduction 16%
16029069	exemption
16029072	exemption
16029074	exemption
16029076	exemption
16029078	exemption
16029098	exemption
1603	EXTRACTS AND JUICES OF MEAT, FISH OR CRUSTACEANS, MOLLUSCS AND OTHER AQUATIC INVERTEBRATES
1603	exemption
1604	PREPARED OR PRESERVED FISH; CAVIAR AND CAVIAR SUBSTITUTES PREPARED FROM FISH EGGS
1604	exemption
1605	CRUSTACEANS, MOLLUSCS AND OTHER AQUATIC INVERTEBRATES, PREPARED OR PRESERVED
1605	exemption

17	SUGARS AND SUGAR CONFECTIONERY
1702	OTHER SUGARS, INCL, CHEMICALLY PURE LACTOSE, MALTOSE, GLUCOSE AND FRUCTOSE, IN SOLID FORM; SUGAR SYRUPS NOT CONTAINING ADDED FLAVOURING OR COLOURING MATTER; ARTIFICIAL HONEY, WHETHER OR NOT MIXED WITH NATURAL HONEY; CARAMEL
170211	reduction 16%
170219	reduction 16%
170220	reduction 16% (°)
17023010	reduction 16% (°)
17023051	reduction 117 EUR/t
17023059	reduction 81 EUR/t
17023091	reduction 117 EUR/t
17023099	reduction 81 EUR/t
17024010	reduction 16% (°)
17024090	reduction 81 EUR/t
170250	exemption
170260	reduction 16% (°)
17029010	exemption
17029030	reduction 16% (°)
17029050	reduction 81 EUR/t
17029060	reduction 16% (°)
17029071	reduction 16% (°)
17029075	reduction 117 EUR/t
17029079	reduction 81 EUR/t
17029080	reduction 16% (°)
17029099	reduction 16% (°)
1703	MOLASSES RESULTING FROM THE EXTRACTION OR REFINING OF SUGAR
1703	within the limit of the quota (ctg 9) reduction 100%
1704	SUGAR CONFECTIONERY NOT CONTAINING COCOA, INCL. WHITE CHOCOLATE
170410	reduction 100% ad valorem customs duties
17049010	exemption
17049030	exemption
17049051	reduction 100% ad valorem customs duties
17049055	reduction 100% ad valorem customs duties
17049061	reduction 100% ad valorem customs duties
17049065	reduction 100% ad valorem customs duties
17049071	reduction 100% ad valorem customs duties
17049075	reduction 100% ad valorem customs duties
17049081	reduction 100% ad valorem customs duties
17049099	reduction 100% ad valorem customs duties
18	COCOA AND COCOA PREPARATIONS
1801	COCOA BEANS, WHOLE OR BROKEN, RAW OR ROASTED
1801	exemption
1802	COCOA SHELLS, HUSKS, SKINS AND OTHER COCOA WASTE
1802	exemption
1803	COCOA PASTE, WHETHER OR NOT DEFATTED
1803	exemption
1804	COCOA BUTTER, FAT AND OIL
1804	exemption

1805	COCOA POWDER, NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER
1805	exemption
1806	CHOCOLATE AND OTHER FOOD PREPARATIONS CONTAINING COCOA
18061015	exemption
18061020	reduction 100% ad valorem customs duties
18061030	reduction 100% ad valorem customs duties
18061090	reduction 100% ad valorem customs duties
180620	exemption
180631	exemption
180632	exemption
18069011	exemption
18069019	exemption
18069031	exemption
18069039	exemption
18069050	exemption
18069060	reduction 100% ad valorem customs duties
18069070	reduction 100% ad valorem customs duties
18069090	reduction 100% ad valorem customs duties

19 PREPARATIONS OF CEREALS, FLOUR, STARCH OR MILK; PASTRYCOOKS' PRODUCTS

1901	MALT EXTRACT; FOOD PREPARATIONS OF FLOUR, MEAL, STARCH OR MALT EXTRACT, NOT CONTAINING COCOA POWDER OR CONTAINING COCOA POWDER IN A PROPORTION BY WEIGHT OF 4 40% NOT ELSEWHERE SPECIFIED OR INCLUDED; FOOD PREPARATIONS OF GOODS OF HEADINGS 04 01 TO 04 04
190110	reduction 100% ad valorem customs duties; exemption EA under the condition (*)
190120	reduction 100% ad valorem customs duties; exemption EA under the condition (*)
19019011	reduction 100% ad valorem customs duties
19019019	reduction 100% ad valorem customs duties
19019091	exemption
19019099	reduction 100% ad valorem customs duties; exemption EA under the condition (*)
1902	PASTA, WHETHER OR NOT COOKED OR STUFFED WITH MEAT OR OTHER SUBSTANCES OR OTHERWISE PREPARED, SUCH AS SPAGHETTI, MACARONI, NOODLES, LASAGNE, GNOCCHI, RAVIOLI, CANNELLONI; COUSCOUS, WHETHER OR NOT PREPARED
190211	reduction 100% ad valorem customs duties
190219	reduction 100% ad valorem customs duties
19022010	exemption
19022030	reduction 16%
19022091	reduction 100% ad valorem customs duties
19022099	reduction 100% ad valorem customs duties
190230	reduction 100% ad valorem customs duties
190240	reduction 100% ad valorem customs duties
1903	TAPIOCA AND SUBSTITUTES THEREFOR PREPARED FROM STARCH, IN THE FORM OF FLAKES, GRAINS, PEARLS, SIFTINGS OR SIMILAR FORMS
1903	exemption

1904	PREPARED FOODS OBTAINED BY THE SWELLING OR ROASTING OF CEREALS OR CEREAL PRODUCTS, E.G. CORN FLAKES; CEREALS, OTHER THAN MAIZE "CORN", IN GRAIN FORM, PRE COOKED OR OTHERWISE PREPARED
1904	reduction 100% ad valorem customs duties
1905	BREAD, PASTRY, CAKES, BISCUITS AND OTHER BAKERS' WARES, WHETHER OR NOT CONTAINING COCOA; COMMUNION WAFERS, EMPTY CACHETS OF A KIND SUITABLE FOR PHARMACEUTICAL USE, SEALING WAFERS, RICE PAPER AND SIMILAR PRODUCTS
190510	reduction 100% ad valorem customs duties
190520	reduction 100% ad valorem customs duties
19053011	reduction 100% ad valorem customs duties; biscuits: exemption
19053019	reduction 100% ad valorem customs duties; biscuits: exemption
19053030	reduction 100% ad valorem customs duties
19053051	reduction 100% ad valorem customs duties
19053059	reduction 100% ad valorem customs duties
19053091	reduction 100% ad valorem customs duties
19053099	reduction 100% ad valorem customs duties
190540	reduction 100% ad valorem customs duties
190590	reduction 100% ad valorem customs duties

20 PREPARATIONS OF VEGETABLES, FRUIT, NUTS OR OTHER PARTS OF PLANTS

2001	VEGETABLES, FRUIT, NUTS AND OTHER EDIBLE PARTS OF PLANTS, PREPARED OR PRESERVED BY VINEGAR OR ACETIC ACID
200110	exemption
200120	exemption
20019020	exemption
20019030	reduction 100% ad valorem customs duties
20019040	reduction 100% ad valorem customs duties
20019050	exemption
20019060	exemption
20019065	exemption
20019070	exemption
20019075	exemption
20019085	exemption
20019091	exemption
ex 20019096	exemption except vine leaves
2002	TOMATOES, PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID
2002	exemption
2003	MUSHROOMS AND TRUFFLES, PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID
2003	exemption
2004	OTHER VEGETABLES PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID, FROZEN (EXCL. TOMATOES, MUSHROOMS AND TRUFFLES)
20041010	exemption
20041091	reduction 100% ad valorem customs duties
20041099	exemption
20049010	reduction 100% ad valorem customs duties
ex 20049030	exemption except olives
20049050	exemption
20049091	exemption
20049098	exemption

2005	OTHER VEGETABLES PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID (EXCL. FROZEN, AND TOMATOES, MUSHROOMS AND TRUFFLES)
200510	exemption
20052010	reduction 100% ad valorem customs duties
20052020	reduction 16%
20052080	reduction 16%
200540	exemption
200551	exemption
200559	exemption
200560	exemption
200570	exemption
200580	reduction 100% ad valorem customs duties
200590	exemption
2006	FRUIT, NUTS, FRUIT PEEL AND OTHER PARTS OF PLANTS, PRESERVED BY SUGAR, DRAINED, GLACE OR CRYSTALLIZED
20060031	reduction 100% ad valorem customs duties
20060035	reduction 100% ad valorem customs duties
20060038	reduction 100% ad valorem customs duties
20060091	exemption
20060099	exemption
2007	JAMS, FRUIT JELLIES, MARMALADES, FRUIT OR NUT PUREE AND FRUIT OR NUT PASTES, BEING COOKED PREPARATIONS, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER
20071010	exemption
20071091	exemption
20071099	exemption
20079110	reduction 100% ad valorem customs duties
20079130	reduction 100% ad valorem customs duties
20079190	exemption
20079910	exemption
20079920	exemption
20079931	exemption
20079933	exemption
20079935	exemption
20079939	exemption
20079951	exemption
20079955	exemption
20079958	exemption
20079991	exemption
20079993	exemption
20079998	exemption
2008	FRUITS, NUTS AND OTHER EDIBLE PARTS OF PLANTS, PREPARED OR PRESERVED, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER OR SPIRIT, NOT ELSEWHERE SPECIFIED OR INCLUDED
200811	exemption
200819	exemption
200820	exemption
20083011	exemption
20083019	reduction 100% ad valorem customs duties; grapefruit: exemption
20083031	exemption
20083039	exemption
20083051	exemption
20083055	exemption
20083059	exemption

20083071	exemption
20083075	exemption
20083079	exemption
20083091	exemption
20083099	exemption
200840	exemption
20085011	exemption
20085019	reduction 100% ad valorem customs duties
20085031	exemption
20085039	exemption
20085051	reduction 100% ad valorem customs duties
20085059	exemption
20085061	exemption
20085069	exemption
20085071	exemption
20085079	exemption
20085092	exemption
20085094	exemption
20085099	exemption
20086011	exemption
20086019	reduction 100% ad valorem customs duties
20086031	exemption
20086039	exemption
20086051	exemption
20086059	exemption
20086061	exemption
20086069	exemption
20086071	exemption
20086079	exemption
20086091	exemption
20086099	exemption
20087011	exemption
20087019	reduction 100% ad valorem customs duties
20087031	exemption
20087039	exemption
20087051	reduction 100% ad valorem customs duties
20087059	exemption
20087061	exemption
20087069	exemption
20087071	exemption
20087079	exemption
20087092	exemption
20087094	exemption
20087099	exemption
200880	exemption
200891	exemption
20089212	exemption
20089214	exemption
20089216	exemption
20089218	exemption
20089232	exemption
20089234	exemption
20089236	exemption
20089238	exemption
20089251	exemption
20089259	exemption
20089272	exemption
20089274	exemption
20089276	exemption
20089278	exemption

20089292	exemption
20089293	exemption
20089294	exemption
20089296	exemption
20089297	exemption
20089298	exemption
20089911	exemption
20089919	exemption
20089921	exemption
20089923	exemption
20089925	exemption
20089926	exemption
20089928	exemption
20089932	exemption
20089933	reduction 100% ad valorem customs duties
20089934	reduction 100% ad valorem customs duties
20089936	exemption
20089937	exemption
20089938	exemption
20089940	exemption
20089943	exemption
20089945	exemption
20089946	exemption
20089947	exemption
20089949	exemption
20089953	exemption
20089955	exemption
20089961	exemption
20089962	exemption
20089968	exemption
20089972	exemption
20089974	exemption
20089979	exemption
ex 20089985	exemption except sweet corn
20089991	reduction 100% ad valorem customs duties
ex 20089999	exemption except vine leaves
2009	FRUIT JUICES, INCL, GRAPE MUST, AND VEGETABLE JUICES, UNFERMENTED, NOT CONTAINING ADDED SPIRIT, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER
20091111	reduction 100% ad valorem customs duties
20091119	exemption
20091191	reduction 100% ad valorem customs duties
20091199	exemption
20091911	reduction 100% ad valorem customs duties
20091919	exemption
20091991	reduction 100% ad valorem customs duties
20091999	exemption
200920	exemption
20093011	reduction 100% ad valorem customs duties
20093019	exemption
20093031	exemption
20093039	exemption
20093051	reduction 100% ad valorem customs duties
20093055	exemption
20093059	exemption
20093091	reduction 100% ad valorem customs duties
20093095	exemption
20093099	exemption
200940	exemption

200950	exemption
200960	exemption
20097011	reduction 100% ad valorem customs duties
20097019	exemption
20097030	exemption
20097091	reduction 100% ad valorem customs duties
20097093	exemption
20097099	exemption
20098011	reduction 100% ad valorem customs duties
20098019	exemption
20098032	exemption
20098033	reduction 100% ad valorem customs duties
20098035	reduction 100% ad valorem customs duties
20098036	exemption
20098038	exemption
20098050	exemption
20098061	reduction 100% ad valorem customs duties
20098063	exemption
20098069	exemption
20098071	exemption
20098073	exemption
20098079	exemption
20098083	exemption
20098084	reduction 100% ad valorem customs duties
20098086	reduction 100% ad valorem customs duties
20098088	exemption
20098089	exemption
20098095	exemption
20098096	exemption
20098097	exemption
20098099	exemption
20099011	reduction 100% ad valorem customs duties
20099019	exemption
20099021	reduction 100% ad valorem customs duties
20099029	exemption
20099031	reduction 100% ad valorem customs duties
20099039	exemption
20099041	exemption
20099049	exemption
20099051	exemption
20099059	exemption
20099071	reduction 100% ad valorem customs duties
20099073	exemption
20099079	exemption
20099092	exemption
20099094	reduction 100% ad valorem customs duties
20099095	exemption
20099096	exemption
20099097	exemption
20099098	exemption
21	MISCELLANEOUS EDIBLE PREPARATIONS
2101	EXTRACTS, ESSENCES AND CONCENTRATES, OF COFFEE, TEA OR MATE AND PREPARATIONS WITH A BASIS OF THESE PRODUCTS OR WITH A BASIS OF COFFEE, TEA OR MATE; ROASTED CHICORY AND OTHER ROASTED COFFEE SUBSTITUTES, AND EXTRACTS, ESSENCE
210111	exemption
210112	exemption

210120	exemption
21013011	exemption
21013019	reduction 100% ad valorem customs duties
21013091	exemption
21013099	reduction 100% ad valorem customs duties
2102	YEASTS, ACTIVE OR INACTIVE, OTHER DEAD SINGLE-CELL MICRO ORGANISMS, PREPARED BAKING POWDERS (EXCL. SINGLE CELL MICRO ORGANISMS PACKAGED AS MEDICAMENTS)
21021010	exemption
21021031	reduction 100% ad valorem customs duties
21021039	reduction 100% ad valorem customs duties
21021090	exemption
210220	exemption
210230	exemption
2103	SAUCE AND PREPARATIONS THEREFOR; MIXED CONDIMENTS AND MIXED SEASONINGS; MUSTARD FLOUR AND MEAL, WHETHER OR NOT PREPARED, AND MUSTARD
2103	exemption
2104	SOUPS AND BROTHS AND PREPARATIONS THEREFOR; FOOD PREPARATIONS CONSISTING OF FINELY HOMOGENIZED MIXTURES OF TWO OR MORE BASIC INGREDIENTS, SUCH AS MEAT, FISH, VEGETABLES OR FRUIT, PUT UP FOR RETAIL SALE AS INFANT FOOD
2104	exemption
2105	ICE CREAM AND OTHER EDIBLE ICE, WHETHER OR NOT CONTAINING COCOA
2105	reduction 100% ad valorem customs duties
2106	FOOD PREPARATIONS NOT ELSEWHERE SPECIFIED OR INCLUDED
210610	reduction 100% ad valorem customs duties
21069020	exemption
21069030	reduction 16% (1)
21069051	reduction 16%
21069055	reduction 81 EUR/t
21069059	reduction 16% (1)
21069092	exemption
21069098	reduction 100% ad valorem customs duties

22 BEVERAGES, SPIRITS AND VINEGAR

2201	WATERS, INCL. NATURAL OR ARTIFICIAL MINERAL WATERS AND AERATED WATERS, NOT CONTAINING ADDED SUGAR, OTHER SWEETENING MATTER OR FLAVOURED; ICE AND SNOW
2201	exemption
2202	WATERS, INCL. MINERAL WATERS AND AERATED WATERS, CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER OR FLAVOURED, AND OTHER NON-ALCOHOLIC BEVERAGES (EXCLUDING FRUIT OR VEGETABLE JUICES AND MILK)
220210	exemption
22029010	exemption
22029091	reduction 100% ad valorem customs duties
22029095	reduction 100% ad valorem customs duties
22029099	reduction 100% ad valorem customs duties
2203	BEER MADE FROM MALT
2203	exemption

2204	WINE OF FRESH GRAPES, INCL. FORTIFIED WINES; GRAPE MUST, PARTLY FERMENTED, OF ACTUAL ALCOHOLIC STRENGTH OF \rightarrow 0,5% VOL, WHETHER OR NOT WITH ADDED ALCOHOL
22043092	exemption
22043094	exemption
22043096	exemption
22043098	exemption
2205	VERMOUTH AND OTHER WINE OF FRESH GRAPES, FLAVOURED WITH PLANTS OR AROMATIC SUBSTANCES
2205	exemption
2206	OTHER FERMENTED BEVERAGES AND MIXTURES OF FERMENTED BEVERAGES (CIDER, PERRY, MEAD); MIXTURES OF FERMENTED BEVERAGES AND NON ALCOHOLIC BEVERAGES, NOT ELSEWHERE SPECIFIED OR INCLUDED.
22060031	exemption
22060039	exemption
22060051	exemption
22060059	exemption
22060081	exemption
22060089	exemption
2207	UNDENATURED ETHYL ALCOHOL OF AN ALCOHOLIC STRENGTH BY VOLUME OF \rightarrow 80%; ETHYL ALCOHOL AND OTHER SPIRITS, DENATURED, OF ANY STRENGTH
2207	exemption
2208	UNDENATURED ETHYL ALCOHOL OF AN ALCOHOLIC STRENGTH BY VOLUME OF \leftarrow 80%; SPIRITS, LIQUEURS AND OTHER SPIRITUOUS BEVERAGES; COMPOUND ALCOHOLIC PREPARATIONS OF A KIND USED FOR THE MANUFACTURE OF BEVERAGES
2208	exemption
2209	VINEGAR AND SUBSTITUTES FOR VINEGAR OBTAINED FROM ACETIC ACID
22090091	exemption
22090099	exemption

23 RESIDUES AND WASTE FROM THE FOOD INDUSTRIES; PREPARED ANIMAL FODDER

2302	BRAN, SHARPS AND OTHER RESIDUES, WHETHER OR NOT IN THE FORM OF PELLETS, DERIVED FROM THE SIFTING, MILLING OR OTHER WORKING OF CEREALS OR OF LEGUMINOUS PLANTS
230210	reduction 7,2 EUR/t
230220	reduction 7,2 EUR/t
230230	reduction 7,2 EUR/t
230240	reduction 7,2 EUR/t
230250	exemption
2303	RESIDUES OF STARCH MANUFACTURE AND SIMILAR RESIDUES, BEET PULP, BAGASSE AND OTHER WASTE OF SUGAR MANUFACTURE, BREWING OR DISTILLING DREGS AND WASTE, WHETHER OR NOT IN THE FORM OF PELLETS
23031011	reduction 219 EUR/t

2308	ACORNS, HORSE-CHESTNUTS, MARC AND OTHER VEGETABLE MATERIALS AND VEGETABLE WASTE, VEGETABLE RESIDUES AND BY PRODUCTS OF A KIND USED IN ANIMAL FEEDING, WHETHER OR NOT IN THE FORM OF PELLETS, NOT ELSEWHERE SPECIFIED OR INCLUDED
23089090	exemption
2309	PREPARATIONS OF A KIND USED IN ANIMAL FEEDING
23091013	reduction 10,9 EUR/t
23091015	reduction 16%
23091019	reduction 16%
23091033	reduction 10,9 EUR/t
23091039	reduction 16%
23091051	reduction 10,9 EUR/t
23091053	reduction 10,9 EUR/t
23091059	reduction 16%
23091070	reduction 16%
23091090	exemption
23099010	exemption
23099031	reduction 10,9 EUR/t
23099033	reduction 10,9 EUR/t
23099035	reduction 16%
23099039	reduction 16%
23099041	reduction 10,9 EUR/t
23099043	reduction 10,9 EUR/t
23099049	reduction 16%
23099051	reduction 10,9 EUR/t
23099053	reduction 10,9 EUR/t
23099059	reduction 16%
23099070	reduction 16%
23099091	exemption
24	TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES
24	exemption (*)
29	ORGANIC CHEMICALS
2905	ACYCLIC ALCOHOLS AND THEIR HALOGENATED, SULPHONATED, NITRATED OR NITROSATED DERIVATIVES
2905	reduction 100% ad valorem customs duties
33	ESSENTIAL OILS AND RESINOIDS; PERFUMERY, COSMETIC OR TOILET PREPARATIONS
3301	ESSENTIAL OILS, WHETHER OR NOT TERPENELESS, INCL, CONCRETES AND ABSOLUTES; RESINOIDS; CONCENTRATES OF ESSENTIAL OILS IN FATS, FIXED OILS, WAXES OR THE LIKE, OBTAINED BY ENFLEURAGE OR MACERATION; TERPENIC BY PRODUCTS
3301	exemption
3302	MIXTURES OF ODORIFEROUS SUBSTANCES AND MIXTURES, INCL, ALCOHOLIC SOLUTIONS, BASED ON ONE OR MORE OF THESE SUBSTANCES, OF A KIND USED AS RAW MATERIALS IN INDUSTRY
33021029	exemption
35	ALBUMINOUS SUBSTANCES; MODIFIED STARCHES; GLUES; ENZYMES
3501	CASEIN, CASEINATES AND OTHER CASEIN DERIVATIVES; CASEIN GLUES (EXCL. THOSE PACKAGED AS GLUE FOR RETAIL SALE AND WEIGHING = 1 KG)
3501	exemption

3502	ALBUMINS, INCL, CONCENTRATES OF TWO OR MORE WHEY PROTEINS CONTAINING BY WEIGHT → 80% WHEY PROTEINS, CALCULATED ON THE DRY MATTER, ALBUMINATES AND OTHER ALBUMIN DERIVATIVES
35021190	reduction 100% ad valorem customs duties
35021990	reduction 100% ad valorem customs duties
35022091	reduction 100% ad valorem customs duties
35022099	reduction 100% ad valorem customs duties
3503	GELATIN, WHETHER OR NOT IN SQUARE OR RECTANGULAR SHEETS, WHETHER OR NOT SURFACE WORKED OR COLOURED, AND GELATIN DERIVATIVES; ISINGLASS; OTHER GLUES OF ANIMAL ORIGIN (EXCL. CASEIN GLUES OF HEADING No 3501)
3503	exemption
3504	PEPTONES AND THEIR DERIVATIVES; OTHER ALBUMINOUS SUBSTANCES AND THEIR DERIVATIVES NOT ELSEWHERE SPECIFIED OR INCLUDED; HIDE POWDER, WHETHER OR NOT CHROMED
3504	exemption
3505	DEXTRINS AND OTHER MODIFIED STARCHES, E.G. PRE GELATINISED OR ESTERIFIED STARCHES; GLUES BASED ON STARCHES, DEXTRINS OR OTHER MODIFIED STARCHES (EXCL. THOSE PUT UP FOR RETAIL SALE AND WEIGHING = 1 KG)
35051010	reduction 100% ad valorem customs duties
35051050	exemption
35051090	reduction 100% ad valorem customs duties
350520	reduction 100% ad valorem customs duties
38	MISCELLANEOUS CHEMICAL PRODUCTS
3809	FINISHING AGENTS, DYE CARRIERS TO ACCELERATE THE DYEING OR FIXING OF DYES AND OTHER PRODUCTS AND PREPARATIONS SUCH AS DRESSINGS AND MORDANTS OF A KIND USED IN THE TEXTILE, PAPER, LEATHER OR LIKE INDUSTRIES NOT ELSEWHERE SPECIFIED OR INCLUDED
380910	reduction 100% ad valorem customs duties
3824	PREPARED BINDERS FOR FOUNDRY MOULDS OR CORES; CHEMICAL PRODUCTS AND PREPARATIONS FOR THE CHEMICAL OR ALLIED INDUSTRIES, INCL, MIXTURES OF NATURAL PRODUCTS NOT ELSEWHERE SPECIFIED OR INCLUDED; RESIDUAL PRODUCTS OF THE CHEMICAL OR ALLIED INDUSTRIES
382460	reduction 100% ad valorem customs duties
50	SILK
50	exemption
52	COTTON
52	exemption

Provisions for the French overseas departments

1. Customs duties shall not be levied on imports into the French overseas departments of the following products originating in the ACP States or the overseas countries and territories:

CN code	Description
0102	Live bovine animals of domesticated species other than pure-bred breeding animals
0102 90	
0102 90 05	
0102 90 21	
0102 90 29	
0102 90 41	
0102 90 49	
0102 90 51	
0102 90 59	
0102 90 61	
0102 90 69	
0102 90 71	
0102 90 79	
0201	Meat of bovine animals, fresh, chilled or frozen
0202	
0206 10 95	
0206 29091	Sweet corn
0709 90 60	
0712 10 90	
1005 90 00	
0714 10 91 - 0714 90 11	Manioc roots, including yams

2. The customs duty shall not be levied on direct imports of rice falling within CN heading 1006, excluding rice for sowing of CN heading 1006 10 10 imported into Réunion.
3. If imports into the French overseas departments of sweet corn originating in the ACP States or the overseas countries and territories exceed 25 000 tonnes within a given year, and if these imports threaten to seriously disturb these markets, the Commission shall take the necessary measures.
4. Within the limit of an annual quota of 2000 tonnes, no customs duties shall be levied on products falling within CN codes 0714 10 91 and 0714 90 11.

References

quota 1	100 tons	Live sheep and goats
quota 2	500 tons	Meat of sheep or goats
quota 3	400 tons	Poultrymeat
quota 4	500 tons	Prepared poultrymeat
quota 5	1000 tons	Milk and cream
quota 6	1000 tons	Cheese and curd
quota 7	500 tons	Pigmeat
quota 8	500 tons	Prepared pigmeat
quota 9	600 000 tons	Molasses
quota 10	15 000 tons	Wheat and meslin
quota 11	125 000 tons	Husked rice
quota 12	20 000 tons	Broken rice
quota 13a	2 000 tons	Tomatoes other than cherry tomatoes
quota 13b	2 000 tons	Cherry tomatoes
quota 14	800 tons	Seedless table grapes
quota 15	1 000 tons	Apples
quota 16	2 000 tons	Pears
quota 17	1 600 tons	Strawberries
ceiling 1	100 000 tons	Sorghum
ceiling 2	60 000 tons	Millet
ceiling 3	200 tons	Fresh figs
rq 1	25 000 tons	Oranges
rq 2	4 000 tons	Mandarins
rq 3	100 tons	Seedless table grapes

- (1) Where, in the course of a year, imports into the Community of products falling within CN codes 0201, 0206 10 95, 0206 29 91, 1602 50 10 or 1602 90 61, originating in an ACP State exceed a quantity equivalent to imports into the Community during whichever year between 1969 and 1974 Community imports of products of that origin were highest, plus an annual growth rate of 7%, exemption from customs duties on the products of that origin shall be partially or totally suspended.
In that event the Community shall determine the arrangements to be applied to the imports in question.
- (2) The reduction shall apply only to imports for which the importer provides proof that an export charge of an amount equivalent to the reduction has been collected by the exporting country.
- (3) If, in the course of a year, the ceiling is reached, the Community may, by means of a Regulation, reintroduce the application of normal customs duties until the end of the period of validity; the duties applicable shall be reduced by 50%.
- (4) If imports of a product exceed the reference quantity, a decision may be taken to make it subject to a ceiling equal to the reference quantity, having regard to the annual balance of trade in the product.
- (5) This reduction shall not be applied when the Community, in accordance with its Uruguay Round commitments, applies additional duties.
- (6) If serious disturbances occur as a result of a large increase in duty free imports of products falling within CN code 2401, originating in the ACP States, or if these imports create difficulties which bring about a deterioration in the economic situation of a region of the Community, the Community may take measures to counteract any deflection of trade.
- (c1) Whether or not containing less than 1,5% by weight of milk fat, with a starch or flour content of 50% or over but of less than 75% by weight.

DECLARATION XXIII

Joint Declaration on market access in the ACP EC Partnership

The Parties accept the fact that both sides expect to take part in the negotiations and implementation of agreements leading to further multilateral and bilateral trade liberalisation.

The Parties note the Community's commitment to provide least developed countries with free market access for essentially all products by 2005.

At the same time they recognise, with respect to ACP preferential access to the Community market, that this wider process of liberalisation could lead to a deterioration in the relative competitive position of the ACP States which would threaten their development efforts, which the Community is concerned to support.

The Parties therefore agree to examine all necessary measures in order to maintain the competitive position of the ACP States on the Community market during the preparatory period. This examination may include, *inter alia*, calendar requirements, rules of origin, sanitary and phytosanitary measures and implementation of specific measures addressing supply side constraints in the ACP countries. The objective will be to offer ACP countries possibilities to exploit their existing and potential comparative advantage on the Community market. Bearing in mind their commitment to cooperation in the WTO, the Parties agree that this examination will also take into account any extension within the WTO of the trade advantages which may be offered by member countries to developing countries.

To this end, the Joint Ministerial Trade Committee should make recommendations on the basis of an initial review to be prepared by the Commission and the ACP Secretariat. The EC Council will examine these recommendations on the basis of a proposal from the Commission, with a view to preserving the benefits of the ACP EC trade arrangement.

The Council of the European Union, for its part, underlines its obligation to take into account the effect of any agreement or other measures to be taken by the EC on ACP EC trade. It requests the Commission to carry out the necessary impact assessments on a systematic basis.

The measures will relate to the preparatory period and will take due account of the Community's common agricultural policy.

The Joint Ministerial Trade Committee shall monitor the implementation of this Declaration and make appropriate reports to the Council of Ministers.

DECLARATION XXIV

Joint Declaration on rice

1. The Parties recognise the importance of rice for the economic development of a number of ACP countries in terms of employment, foreign exchange and social and political stability.

2. They further recognise the importance of the Community market for rice. The Community reaffirms its commitment to enhance the competitiveness and efficiency of the ACP rice sector in order to maintain a viable and sustainable industry and thereby contribute to the smooth integration of ACP countries into the world economy.

3. The Community is prepared to provide sufficient funds to finance during the preparatory period, in consultation with the ACP sector concerned, an integrated sector-specific programme for the development of ACP exporters of rice which could in particular include the following measures:

- improvement of conditions of production and enhancement of quality through action in the areas of research, harvesting and handling;
- transport and storage;
- enhancing the competitiveness of existing exporters of rice;

- assisting ACP rice producers to meet environmental and waste management standards and other norms in the international markets, including the Community;
- marketing and trade promotion;
- programmes designed to develop value added by products.

This package of measures will be financed in ACP rice exporting nations on a national basis, by agreement of both Parties, through specific sectoral programmes in accordance with programming rules and methods and in the short term through unallocated EDF resources after a decision of the Council of Ministers.

4. The Parties reiterate their commitment to cooperate closely in order to ensure that the ACP States can benefit fully from the Community trade preferences for rice. They agree on the importance of effective and transparent implementation of all rice exports to the Community of ACP origin.

5. The Community will examine after the entry into force of the agreement the position of the ACP rice sector in the light of future changes occurring on the Community's rice market. To this end, the Parties agree to create with the ACP and representatives of the sector concerned, a joint working party, which shall meet annually. The Community further undertakes to consult the ACP States on any bilateral or multilateral decisions which may have an impact on the competitive position of the ACP rice industry in the Community market.

DECLARATION XXV

Joint Declaration on rum

The Parties recognise the importance of the rum sector for the economic and social development of several ACP countries and regions and its major contribution in providing employment, export earnings and Government revenues. They

acknowledge that rum is a value added agro industrial ACP product capable, if appropriate efforts are undertaken, of competing in a global economy. They therefore acknowledge the need to take all measures that might be necessary to overcome the competitive disadvantage, which ACP producers are presently facing. In this context they also note the undertaking contained in the Council and Commission Declaration of 24 March 1997 to fully take into account in any future negotiations and arrangements related to the rum sector, the impact of the EC US agreement to eliminate the duty on certain spirituous beverages of the same date. They also recognise the urgent need for ACP producers to become less dependent on the commodity rum market.

The Parties therefore agree on the need for the rapid development of the ACP rum industry so as to allow exporters of ACP rum to compete on the Community and the international spirits markets. To this end, they agree to implement the following measures:

- 1) Rum, arak and tafia originating in the ACP countries or regions falling under HS Code 22 08 40 shall be imported under this Agreement and any successor agreement to this Agreement, duty free and without quantitative limitations.
- 2) The Community undertakes to ensure fair competition in the Community market and that ACP rum is not disadvantaged or discriminated against in the EU market, in relation to third country rum producers.
- 3) The Community will, when considering any request for derogation to the provisions of Article 1.4(1) and (2) of Council Regulation (EC) No 1576/1989 of 29 March 1989 consult with and take account of the particular interests of ACP countries.
- 4) The Community is prepared to provide sufficient funds to finance during the preparatory period, in consultation

with the ACP sector concerned, an integrated sector specific programme for the development of ACP exporters of rum, which could in particular include the following measures:

- enhancing the competitiveness of existing exporters of rum;
- assist in creation of rum marques or brands by ACP region or country;
- enabling marketing campaigns to be designed and implemented;
- assist ACP rum producers to meet environmental and waste management standards and other norms in the international markets including the Community market;
- assist the ACP rum industry to move out of bulk commodity production into higher value branded rum products.

This package of measures will be financed on a national and regional basis, by agreement of both parties, through specific sectoral programmes in accordance with programming rules and methods and, in the short term, through unallocated EDF resources after a decision of the Council of Ministers.

- 5) The Community commits itself to examine the impact on the ACP industry of the indexation of the price point incorporated in the Memorandum of Understanding on rum in the agreement on white spirits of March 1997 at which duties on non ACP rum are applied. In this light it will take, where necessary, appropriate measures.
- 6) The Community undertakes to conduct appropriate consultations with the ACP through a joint working party, which shall meet regularly, on specific issues arising from these undertakings. The Community further undertakes to consult the ACP States on any bilateral or multilateral decisions, including tariff reductions and the enlargement of the Community, which may impact on the competitive position of the ACP rum industry in the Community market.

DECLARATION XXVI

Joint Declaration on beef and veal

1. The Community undertakes to ensure that the ACP States, beneficiaries of the Protocol on beef and veal, derive full benefits therefrom. To this end, it commits itself to give effect to the provisions of this protocol by enacting in a timely fashion appropriate rules and procedures.
2. The Community further undertakes to implement the protocol so that ACP States can market their beef and veal throughout the year without undue restrictions. In addition, the EC will assist the ACP beef and veal exporters to improve their competitiveness through, inter alia, addressing supply side constraints, in accordance with the development strategies set out in this Agreement and within the context of National and Regional Indicative Programmes.
3. The Community will examine the requests of ACP Least Developed Countries to export their beef and veal under preferential conditions in the context of the actions it intends to take under the WTO's Integrated Framework for Least Developed Countries.

DECLARATION XXVII

Joint Declaration on the arrangements governing access to the markets of the French overseas departments for products originating in the ACP States referred to in Article 1(2) of Annex V

The Parties reaffirm that the provisions of Annex V apply to the relations between the French overseas departments and the ACP States.

The Community shall have the right during the life of the Agreement to amend, in the light of the economic development requirements of the French overseas departments, the arrangements governing access to the latter's markets for products

originating in the ACP States referred to in Article 1(2) of Annex V.

When examining the possible application of this right, the Community will take into consideration the direct trade between the ACP States and the French overseas departments. Information and consultation procedures shall apply between the parties concerned in accordance with Article 12 of Annex V.

DECLARATION XXVIII

Joint Declaration on cooperation between ACP States and the neighbouring overseas countries and territories and French overseas departments

The Parties shall encourage greater regional cooperation in the Caribbean, the Pacific and the Indian Ocean involving ACP States and the neighbouring overseas countries and territories and French overseas departments.

The Parties call upon interested Parties to consult each other on the procedure for promoting such cooperation and, in this context, to take measures, in line with their respective policies and their specific situation in the region, which will permit initiatives in the economic field, including the development of trade, as well as in the social and cultural fields.

Where there are trade agreements involving French overseas departments, such agreements may provide for specific measures in favour of products from those departments.

Issues relating to cooperation in these different areas shall be brought to the attention of the Council of Ministers, so that it can be duly informed of the progress achieved.

DECLARATION XXIX

Joint Declaration on products covered by the common agricultural policy

The Parties recognise that products covered by the common agricultural policy

follow specific rules and regulations, in particular with regard to safeguard measures. The provisions of the Agreement concerning the safeguard clause may be applied to these products only insofar as they are consistent with the specific nature of these rules and regulations.

DECLARATION XXX

ACP Declaration on Article 1 of Annex V

Conscious of the imbalance and the discriminatory effect resulting from the most favoured nation treatment applicable to products originating in the ACP States on the Community market under Article 1(2)(a) of Annex V, the ACP States reaffirm their understanding that the consultations provided for under this Article shall ensure that the ACP States' main exportable products benefit from treatment at least as favourable as that granted by the Community to countries enjoying the most favoured third state treatment.

In addition similar consultations shall take place in cases where:

- a) one or more ACP States show potentialities for one or more specific products for which preferential third states enjoy more favourable treatment;
- b) one or more ACP States envisage exporting to the Community one or more specific products for which preferential third states enjoy more favourable treatment.

DECLARATION XXXI

Community Declaration on Article 5(2)(a) of Annex V

While agreeing to the reproduction of the text of Article 9(2)(a) of the Second ACP EEC Convention in Article 5(2)(a) of Annex V, the Community reaffirms the interpretation of that text, namely that the ACP States shall grant to the Community treatment no less favourable than that which they grant to developed States under trade agreements where those States do not grant the ACP States greater preferences than those granted by the Community.

DECLARATION XXXII

Joint Declaration on non discrimination

The Parties agree that notwithstanding specific provisions of Annexe V to this Agreement, the Community shall not discriminate between ACP States in the trade regime provided for in the framework of that Annexe, taking account however of the provisions of this Agreement and of specific autonomous initiatives in the multilateral context, such as that in favour of the least developed countries pursued by the Community.

DECLARATION XXXIII

Community Declaration on Article 8(3) of Annexe V

Were the Community to adopt the strictly necessary measures referred to in this Article, it would endeavour to seek those which, by reason of their geographical scope or the types of products concerned, would least disturb the exports of the ACP States.

DECLARATION XXXIV

Joint Declaration on Article 12 of Annexe V

The Parties agree that the consultations referred to in Article 12 of Annexe V should take place in accordance with the following procedures:

- i) the two Parties will provide all necessary and relevant information on the specific issue(s) in good time to enable an early initiation of the discussions, and in any event not later than one month after the request for consultation is received,
- ii) the three month consultation period will start from the date of receipt of this information. Within these three months, technical examination of such information shall be completed within one month, and joint consultations at the level of the Committee of Ambassadors shall be completed within two further months,

- iii) if the conclusion arrived at is not mutually acceptable, the matter shall be referred to the Council of Ministers,
- iv) in the event that no mutually acceptable solution is adopted by the Council of Ministers, the Council will decide what other steps should be taken in order to resolve the differences identified in the consultations.

DECLARATION XXXV

Joint Declaration relating to Protocol 1 of Annexe V

If special tariff treatment were to be applied by the ACP States to imports of products originating in the Community, including Ceuta and Melilla, the provisions of Protocol 1 would apply mutatis mutandis. In all other cases where the treatment applied to imports by the ACP States necessitates the provision of proof of origin, those States shall accept certificates of origin drawn up in accordance with the relevant international agreements.

DECLARATION XXXVI

Joint Declaration relating to Protocol 1 of Annexe V

1. For the purposes of applying Article 12(2)(c) of the Protocol, the shipping certificate, issued in the first port of embarkation for the Community, shall be equivalent to the through bill of lading for products covered by movement certificates issued in landlocked ACP States.
2. Products exported from landlocked ACP States which are warehoused elsewhere than in the ACP States or the countries and territories referred to in Annexe III to the Protocol may be the subject of movement certificates issued under the circumstances referred to in Article 16 thereof.
3. For the purposes of Article 15(4) of the Protocol, certificates EUR.1 issued by a competent authority and endorsed by the customs authorities will be accepted.

4. In order to help ACP enterprises in their efforts to find new sources of supply with a view to benefiting to the maximum extent from the provisions of the Protocol as regards cumulation of origin, steps will be taken to ensure that the Centre for the Development of Enterprise provides assistance to ACP operators in the establishment of appropriate contacts with suppliers in the ACP States, the Community and the countries and territories, as well as to promote relations in the field of industrial cooperation among the operators concerned.

DECLARATION XXXVII

Joint Declaration relating to Protocol 1 of Annexe V on the origin of fishery products

The Community acknowledges the right of the coastal ACP States to the development and rational exploitation of the fishery resources in all waters within their jurisdiction.

The Parties agree that the existing rules of origin have to be examined in order to determine what possible changes may have to be made in the light of the first paragraph.

Conscious of their respective concerns and interests, the ACP States and the Community agree to continue examining the problem posed by the entry, onto Community markets, of fishery products from catches made in zones within the national jurisdiction of the ACP States, with a view to arriving at a solution satisfactory to both sides. This examination will take place in the Customs Cooperation Committee, assisted, when necessary, by the appropriate experts, after entry into force of the Agreement. The results of this examination shall be submitted, within the first year of application of the Agreement, to the Committee of Ambassadors and, at the latest during the second year, to the Council of Ministers for their consideration with a view to arriving at a solution satisfactory to both sides.

For the time being, as regards the processing of fishery products in the ACP States, the Community declares that it is willing to examine with an open mind requests for derogations from the rules of origin for processed products in this production sector based on the existence of compulsory landing requirements provided for in fishery agreements with third countries. The examination the Community is to make will take into account in particular the fact that the third countries concerned should ensure the normal market for such productions, following processing, insofar as the latter are not intended for national or regional consumption.

DECLARATION XXXVIII

Community Declaration relating to Protocol 1 of Annexe V on the extent of territorial waters

The Community, recalling that the relevant acknowledged principles of international law restrict the maximum extent of territorial waters to 12 nautical miles, declares that it will take account of this limit in applying the provisions of the Protocol wherever the latter refers to this concept.

DECLARATION XXXIX

ACP Declaration relating to Protocol 1 of Annexe V on the origin of fishery products

The ACP States reaffirm the point of view they expressed throughout the negotiations on the rules of origin in respect of fishery products and consequently maintain that following the exercise of their sovereign rights over fishery resources in the waters within their national jurisdiction, including the exclusive economic zone, as defined in the United Nations Convention on the Law of the Sea, all catches effected in those waters and obligatorily landed in ports of the ACP States for processing should enjoy originating status.

DECLARATION XL
Joint Declaration on the application
of the value tolerance rule
in the tuna sector

The European Community undertakes to implement adequate provisions to give full effect to the application in the tuna sector of the value tolerance rule, provided for in Article 4(2) of Protocol 1 of Annex V. To this end, the Community will submit by the date of signature of this Agreement the conditions under which the 15% non originating tuna may be used pursuant to this Article.

The Community proposal will specify how the method of calculation shall be based on the EUR. 1 movement certificate.

The two Parties agree, if difficulties arise in achieving the flexibility aimed at by the application of this method, to undertake a revision of the method after two years of its application.

DECLARATION XLI
Joint Declaration on Article 6(11)
of Protocol 1 of Annex V

The Community agrees to consider, in the light of Article 40 of Protocol 1, and on a case by case basis, any substantiated requests presented after the signing of the Agreement regarding textile products excluded from cumulation with neighbouring developing countries (Article 6(11) of Protocol 1).

DECLARATION XLII
Joint Declaration on rules of origin:
cumulation with South Africa

The ACP-EC Customs Cooperation Committee is prepared to examine as soon as possible any requests for cumulation of working and processing under Article 6(10) of Protocol 1 of Annex V coming from regional bodies representing a high level of regional economic integration.

DECLARATION XLIII
Joint Declaration on Annex 2
to Protocol 1 of Annex V

If in the application of the rules contained in Annex II, ACP States' exports are adversely affected, the Community will examine and, where necessary, adopt appropriate corrective measures to remedy the situation with a view to re-establishing the ex ante situation (Decision 2/97 of the Council of Ministers).

The Community has noted the requests made by ACP States on rules of origin in the context of the negotiations. The Community agrees to consider any substantiated requests for improvement of the rules of origin contained in Annex II in the light of Article 40 of Protocol 1 and on a case by case basis.

of the other part, meeting in Luxembourg on the twenty-fifth day of June in the year two thousand and five for the signature of the Agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, have at the time of signature of this Agreement adopted the following declarations attached to this Final Act:

DECLARATION I
Joint declaration on
article 8 of the Cotonou agreement

In relation to dialogue at national and regional levels, for the purposes of Article 8 of the Cotonou Agreement, the 'ACP Group' shall be taken to mean the Troika of the ACP Committee of Ambassadors (CoA) and the Chairperson of the ACP Sub-committee on Political, Social, Humanitarian and Cultural Affairs (PSHCA); the Joint Parliamentary Assembly (JPA) shall be interpreted as the Co-Presidents of the JPA, or their designated nominees.

DECLARATION II
Joint declaration on
article 68 of the Cotonou agreement

The ACP-EC Council of Ministers will examine, in application of the provisions contained in Article 100 of the Cotonou Agreement, the proposals of the ACP side concerning Annex II thereof on short-term fluctuations in export earnings (FLEX).

DECLARATION III
Joint declaration on annexe Ia

Should the Agreement amending the Cotonou Agreement not have entered into force by 1 January 2008, cooperation shall be financed from the balances of the 9th EDF and from the previous EDFs.

DECLARATION IV
Joint declaration
on article 3(5) of annexe IV

For the purposes of Article 3(5) of Annex IV, 'special needs' are needs resulting from exceptional or unforeseen circumstances, such as post-crisis situations; 'exceptional performance' means a situation in which, outside the mid-term and end-of-term reviews, a country's allocation is totally committed and additional funding from the national indicative programme can be absorbed against a background of effective poverty-reduction policies and sound financial management.

DECLARATION V
Joint declaration on article 9(2)
of annexe IV

For the purposes of Article 9(2) of Annex IV, 'new needs' are needs resulting from exceptional or unforeseen circumstances, such as post-crisis situations; 'exceptional performance' means a situation in which, outside the mid-term and end-of-term reviews, a region's allocation is totally committed and additional funding from the regional indicative programme can be absorbed against a background of effective regional integration policies and sound financial management.

DECLARATION VI
Joint declaration on
article 12(2) of annexe VI

For the purposes of Article 12(2) of Annex VI, 'new needs' are needs which may arise from exceptional or unforeseen circumstances, such as those arising from new commitments to international initiatives or to address challenges which are common to ACP countries.

DECLARATION VII
Joint declaration on article 13
of annexe IV

In view of the particular geographic situation of the Caribbean and Pacific regions, the ACP Council of Ministers or the ACP Committee of Ambassadors may, notwithstanding Article 13(2)(a) of Annexe IV, present a specific funding request for one or the other of these regions.

DECLARATION VIII
Joint declaration on article 19a
of annexe IV

In accordance with Article 100 of the Cotonou Agreement, the Council of Ministers will examine the provisions of Annexe IV concerning the awarding and performance of contracts with a view to adopting them before the Agreement amending the Cotonou Agreement enters into force.

DECLARATION IX
Joint declaration on article 24(3)
of annexe IV

The ACP States will be consulted, a priori, on any amendments to the Community rules referred to in Article 24(3) of Annexe IV.

DECLARATION X
Joint declaration on article 2
of annexe VII

The internationally recognised standards and norms are those of the instruments referred to in the Preamble of the Cotonou Agreement.

DECLARATION XI
Community declaration on articles 4 and
58(2) of the Cotonou agreement

For the purpose of Articles 4 and 58(2), it is understood that the term 'local decentralised authorities' covers all levels of decentralisation including 'collectivités locales'.

DECLARATION XII
Community declaration on article 11a
of the Cotonou agreement

Financial and technical assistance in the area of cooperation in the fight against terrorism will be financed by resources other than those intended for the financing of ACP-EC development cooperation.

DECLARATION XIII
Community declaration on article 11b(2)
of the Cotonou agreement

It is understood that the measures set out in Article 11b(2) of the Cotonou Agreement will be undertaken within an adapted timeframe that takes into account each country specific constraints.

DECLARATION XIV
Community declaration on articles 28,
29, 30 and 58 of the Cotonou agreement
and on article 6 of Annexe IV

The implementation of the provisions regarding regional cooperation where non-ACP countries are involved will be subject to the implementation of equivalent provisions in the framework of the Community's financial instruments on cooperation with other countries and regions of the world. The Community will inform the ACP Group upon the entry into force of these equivalent provisions.

DECLARATION XV
European union declaration
on annexe Ia

1. The European Union undertakes to propose at the earliest opportunity, if at all possible by September 2005, an exact amount for the multiannual financial framework for cooperation under the Agreement amending the Cotonou Agreement and its period of application.

2. The minimum aid effort referred to in paragraph 2 of Annexe Ia is guaranteed, without prejudice to the eligibility of the ACP countries for additional resources under other financial instruments which already exist or, potentially, may be created in support of actions in areas such as emergency humanitarian aid, food security, poverty-related diseases, support for the implementation of the Economic Partnership Agreements, support for the measures envisaged following the reform of the sugar market, and relating to peace and stability.

3. The deadline for the commitment of funds of the 9th EDF, fixed at 31 December 2007, could be reviewed if necessary.

DECLARATION XVI
Community declaration on articles 4(3),
5(7), 16(5) and (6) and 17(2) of annexe IV

These provisions are without prejudice to the role of the Member States in the decision making process.

DECLARATION XVII
Community declaration
on article 4(5) of annexe IV

Article 4(5) of Annexe IV and the return to the standard management arrangements will be implemented by means of a Council decision based on a Commission proposal. This decision will be duly notified to the ACP Group.

DECLARATION XVIII
Community declaration
on article 20 of annexe IV

The provisions of Article 20 of Annexe IV will be implemented in accordance with the principle of reciprocity with other donors.

DECLARATION XIX
Community declaration on
articles 34, 35 and 36 of annexe IV

The detailed respective responsibilities of management and executing agents of Fund resources are included in a manual on procedures upon which ACP States will be consulted in accordance with Article 12 of the Cotonou Agreement. The manual will be made available to ACP States from the entry into force of the Agreement amending the Cotonou Agreement. Any amendments to the manual will be subject to the same procedure.

DECLARATION XX
Community declaration on
article 3 of annexe VII

As regards the modalities foreseen in Article 3 of Annexe VII, the position to be taken by the Council of the European Union within the Council of Ministers will be based on a proposal by the Commission.

Declarations concerning the multi-annual financial framework for the period 2008 to 2013 agreed at the 31st session of the ACP-EC Council of Ministers Port Moresby, Papua New Guinea, 1 and 2 June 2006

1. EPAs: EU Declaration:

The Economic Partnership Agreements, as development instruments, aim to foster smooth and gradual integration of the ACP States into the world economy, especially by making full use of the potential of regional integration and South-South trade.

The Commission reconfirms the importance of further steps towards coherent regional integration and sectoral policy reforms, and that the gradually arising needs from the implementation of EPAs will be taken into account in the programming dialogue with the ACP on the end of term review of the 9th EDF and on the resources of the 10th EDF, covering the time period after the entry into force on 1 January 2008.

Moreover, the European Union recalls its commitments to substantially increase Aid for Trade by 2010 in addition to the EDF resources.

**2. Decommited funds:
Community Declaration:**

Based on the performance review in 2010 and a proposal by the Commission, the Council of the European Union will consider a decision by unanimity on the transfer of any funds decommitted from ACP projects funded out of the 9th and previous EDFs into the reserves of the 10th EDF. Given the important development objectives pursued by EPAs, the Council of the European Union will, in its consideration, also pay attention to giving further support to structural adjustment costs and other development needs in the implementation of EPAs.

**3. Interest subsidies:
Community Declaration:**

Acknowledging the high adaptation costs to which the sugar protocol countries are confronted as a result of the EC sugar reforms, the EIB shall endeavour to direct part of the resources of the investment facility and of its own resources towards investments in the sugar sector of the ACP sugar protocol countries. An amount of up to EUR 100 million shall be mobilised where applicable and on the basis of the eligibility criteria set out in Annexe II to the Cotonou Agreement from the envelope for grants for the financing of the interest rate subsidies foreseen in paragraph 2(c) of Annexe I(b) to the Cotonou Agreement.

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