

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

His Majesty the King of the Belgians,

The President of the Federal Republic of Germany,

The President of the French Republic,

The President of the Republic of Italy,

Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands,

Contracting Parties to the Treaty establishing the European Economic Community signed at Rome on 25 March 1957 and hereinafter designated « the Treaty », whose States are hereinafter referred to as « Member States »

and the Council of the European Economic Community of the first part, and

His Majesty the Mwami of Burundi,

The President of the Federal Republic of Cameroon,

The President of the Central African Republic,

The President of the Republic of Chad,

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

The President of the Republic of the Congo (Léopoldville),

The President of the Republic of Dahomey,

The President of the Gabon Republic,

The President of the Republic of the Ivory Coast,

The President of the Republic of Madagascar,

The Head of State, President of the Council of the Government of the Republic of Mali,

The President of the Islamic Republic of Mauritania,

The President of the Republic of Niger,

The President of the Republic of Rwanda,

The President of the Republic of Senegal,

The President of the Republic of Somalia,

The President of the Republic of Togo,

The President of the Republic of the Upper Volta,

whose States are hereinafter referred to as « Associated States » of the second part,

HAVING REGARD TO the Treaty establishing the European Economic Community,

REAFFIRMING accordingly their desire to maintain their Association,

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

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

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

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

CONSCIOUS of the importance of developing inter-African trade and co-operation as well as international economic relations,

HAVE DECIDED to conclude a new Convention of Association between the Community and the Associated States and to this end have designated as Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS

Mr. Henri FAYAT, Minister, deputy to the Minister of Foreign Affairs

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY

Mr. Walter SCHEEL, Minister of Co-operation

THE PRESIDENT OF THE FRENCH REPUBLIC

Mr. Raymond TRIBOULET, Minister of Co-operation

THE PRESIDENT OF THE REPUBLIC OF ITALY

Mr. Emilio COLOMBO, Minister of Finance

HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG

Mr. Eugène SCHAUS, Minister of Foreign Affairs and of Foreign Trade

HER MAJESTY THE QUEEN OF THE NETHERLANDS

Mr. Joseph LUNS, Minister of Foreign Affairs

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY

Mr. Joseph LUNS, President of the Council of the E.E.C.

Mr. Walter HALLSTEIN, President of the Commission of the E.E.C.

HIS MAJESTY THE MWAMI OF BURUNDI

Mr. Lorgio NIMUBONA, Minister of Foreign Affairs

THE PRESIDENT OF THE FEDERAL REPUBLIC OF CAMEROON

Mr. Victor KANGA, Minister of the National Economy

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC

Mr. Jean Christophe MACKPAYEN, Minister of Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF GHANA

Mr. Maurice NGANGTAR, Minister of Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF THE CONGO (BRAZZAVILLE)

Mr. Victor SATHOUD, Minister of Planning

THE PRESIDENT OF THE REPUBLIC OF THE CONGO (LEOPOLDVILLE)

Mr. Marcel LENGEMA, State Secretary, Ministry of Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF DAHOMEY

Mr. APLOGAN, State Secretary, Ministry of African Affairs

THE PRESIDENT OF THE REPUBLIC OF GABON

Mr. André-Gustave ANGUILE, Minister of State for Economic Affairs

THE PRESIDENT OF THE REPUBLIC OF THE IVORY COAST

Mr. Lambert AMON TANO, Minister of National Education, Acting Minister of Finance

THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR

Mr. Alfred RAMANGASOAVINA, Keeper of the Seals, Minister of Justice

THE HEAD OF STATE, PRESIDENT OF THE COUNCIL OF GOVERNMENT OF THE REPUBLIC OF MALI

Mr. Jean-Marie KONE, Minister of State for Planning

THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA

Mr. Mohammed SIDI, Minister of Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF NIGER

Mr. Ikhia ZODI, Minister of African Affairs

THE PRESIDENT OF THE REPUBLIC OF RWANDA

Mr. Callixte HABAMENSHI, Minister of Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF SENEGAL

Mr. Djime Momar GUEYE, Ambassador, Representative to the E.E.C.

THE PRESIDENT OF THE REPUBLIC OF SOMALIA

Mr. Ali Omar SCEGO, Ambassador, Representative to the E.E.C.

THE PRESIDENT OF THE REPUBLIC OF TOGO

Mr. Jean AGBEMEGNAN, Minister of Commerce and Industry

THE PRESIDENT OF THE REPUBLIC OF THE UPPER VOLTA

Mr. Moise TRAORE, Minister of the National Economy

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

HAVE AGREED upon the following provisions :

Title I. Trade

Article 1.

With a view to promoting an increase of trade between the Associated States and the Member States, strengthening their economic relations and the economic independence of the Associated States and thereby contributing to the development of international trade, the High Contracting Parties have agreed upon the following provisions which shall regulate their mutual trade relations.

Chapter 1. Customs Duties and Quantitative Restrictions

Article 2.

1. Goods originating in Associated States shall, when imported into Member States, benefit from the progressive abolition of customs duties and charges having an effect equivalent to such duties, resulting between Member States under the

provisions of Articles 12, 13, 14, 15 and 17 of the Treaty and the decisions which have been or may be adopted to accelerate the rate of achieving the aims of the Treaty.

2. Nevertheless, upon the entry into force of the Convention, Member States shall abolish the customs duties and charges having an effect equivalent to such duties which they apply to the goods originating in Associated States which are listed in the Annex to this Convention,

At the same time Member States shall apply the common customs tariff duties of the Community to imports of these goods from third countries.

3. Imports from third countries of unroasted coffee into the Benelux countries on the one hand, and of bananas into the Federal Republic of Germany on the other hand, shall be subject to the terms set out respectively, as to unroasted coffee, in the Protocol this day concluded between the Member States and, as to bananas, in the Protocol concluded on 25 March 1957 between the Member States and in the Declaration annexed to this Convention,

4. Application of the provisions of this Article shall not predetermine the treatment to be applied to certain agricultural products under the provisions of Article 11 of this Convention.

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

Article 3.

1. Each Associated State shall accord identical tariff treatment to goods originating in any of the Member States ; Associated States not applying this rule on the entry into force of this Convention shall do so within the following six months.

2. In each Associated State goods originating in Member States shall benefit, under the terms set out in Protocol N° 1 annexed to this Convention, from the progressive abolition of customs duties and charges having an effect equivalent to such duties which that Associated State applies to imports of these goods into its territory. - :

Provided always that each Associated State may retain or introduce customs duties and charges having an effect equivalent to such duties which correspond to its development needs or its industrialization requirements or which are intended to contribute to its budget.

The customs duties and charges having an effect equivalent to such duties levied by Associated States in accordance with the foregoing sub-paragraph, as also any alteration which they may make in these duties and charges under the provisions of Protocol N° 1, may not either de jure or de facto give rise to any direct or indirect discrimination between Member States.

3. At the request of the Community and in accordance with the procedures laid down in Protocol Ne 1, there shall be consultations within the Association Council regarding the conditions of application of this Article.

Article 4.

1. Insofar as an Associated State levies export duties on exports of its products to Member States, these duties may not give rise, de jure or de facto, to any direct or indirect discrimination between Member States and may not be greater than those applied to products exported to the most favoured third country.

2. Without prejudice to the application of Article 13, paragraph 2 of this Convention, the Association Council shall take suitable measures if the application of such duties leads to serious disturbances in the conditions of competition,

Article 5.

1. With regard to the abolition of quantitative restrictions, Member States shall apply to imports of goods originating in the Associated States the relevant provisions of the Treaty, and of the decisions which have been or may be adopted to accelerate the rate of achieving the aims of the Treaty, which they apply in their relations with each other.

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

Article 6.

1. Associated States shall, not later than four years after the entry into force of the Convention, abolish all quantitative

restrictions on imports of goods originating in Member States and all measures having equivalent effect. This abolition shall be carried out progressively under the conditions set out in Protocol No. 2 annexed to this Convention.

2. Associated States shall refrain from introducing any new quantitative restrictions or measures having equivalent effect on imports of goods originating in Member States.

3. Should the measures provided for in Article 3 prove insufficient to meet their development needs and their industrialization requirements, or in the event of difficulties in their balance of payments, or, where agricultural products are concerned, in connection with the requirements arising from existing regional market organizations, Associated States may, notwithstanding the provisions of the two foregoing paragraphs and subject to the terms of Protocol No. 2, retain or introduce quantitative restrictions on imports of goods originating in Member States.

4. Associated States in which imports come within the province of a State trading monopoly or of any body which, de jure or de facto, either directly or indirectly limits, controls, directs or influences them, shall take any steps necessary to attain the objectives defined in this Title and to abolish progressively any discrimination in conditions of supply and marketing of goods.

Without prejudice to the application of Article 7 below, foreign trade plans drawn up by the Associated States shall not contain or bring about, de jure or de facto, any direct or indirect discrimination between Member States,

The Associated States concerned shall inform the Association Council of the steps taken to implement the provisions of this paragraph.

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

Article 7.

Without prejudice to the special provisions for border trade, the treatment that the Associated States apply by virtue of this Title to goods originating in Member States shall in no case be less favourable than that applied to goods originating in the most favoured third country.

Article 8.

This Convention shall not preclude the maintenance or establishment of customs unions or free-trade areas among Associated States,

Article 9.

This Convention shall not preclude the maintenance or establishment of customs union or free-trade areas between one or more Associated States and one or more third countries insofar as they neither are nor prove to be incompatible with the principles and provisions of the said Convention.

Article 10.

The provisions of the foregoing Articles 3, 4 and 6 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy, public security, the protection of human, animal or plant life or health, the protection of national treasures possessing artistic, historic or archaeological value, or the protection of industrial and commercial property. Provided always that such prohibitions or restrictions shall not be used as a means of arbitrary discrimination nor as a disguised restriction on trade.

Chapter 2. Provisions Concerning Certain Agricultural Products

Article 11.

When drawing up its common agricultural policy, the Community shall take the interests of the Associated States into consideration as regards products similar to and competitive with European products. The Community and the Associated States concerned shall consult together for this purpose.

The treatment applicable to imports into the Community of these products, if they have originated in the Associated States, shall be determined by the Community in the course of defining its common agricultural policy, after consultation within the

Association Council.

Chapter 3. Provisions Concerning Commercial Policy

Article 12.

1. On matters of commercial policy, the Contracting Parties agree to keep each other informed and, should one of them so request, to consult together for the purpose of giving good effect to this Convention.
2. Such consultation shall bear on measures concerning trade with third countries if these measures are likely to harm the interests of one or more Contracting Parties, with particular reference to:
 - a) the suspension, alteration or abolition of customs duties,
 - b) the granting of tariff quotas at reduced or zero duties, other than the quotas referred to in Article 2, paragraph 3, above,
 - c) the introduction, reduction or abolition of quantitative restrictions, without prejudice to the obligations incumbent upon certain Contracting Parties by reason of their membership of G.A.T.T.
3. Upon the entry into force of this Convention, the Association Council shall define the procedure for consultation and exchange of information in respect of the implementation of this Article.

Chapter 4. Safeguard Clauses

Article 13.

1. If serious disturbances occur in one sector of the economy of an Associated State or jeopardize its external financial stability, that State may take the necessary protective measures, notwithstanding the provisions of Article 3, paragraph 2, sub-paragraph 1 and Article 6, paragraphs 1, 2 and 4.

The measures and the methods of applying them shall be notified immediately to the Association Council. 2. If serious disturbance occur in one sector of the economy of the Community or of one or more Member States, or jeopardize their external financial stability, and if difficulties arise which may result in a region suffering grave economic hardship, the Community may take, or may authorize the Member State or States concerned to take such measures as may prove necessary in their relations with the Associated States, notwithstanding the provisions of Articles 2 and 5.

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

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

4. There shall be consultations within the Association Council regarding the measures taken under paragraph 1 and 2 of this Article.

Such consultations shall be held at the request of the Community in respect of measures under paragraph 1 and at the request of one or more Associated States in respect of those under paragraph 2.

Chapter 5. General Provisions

Article 14.

Without prejudice to the special provisions laid down in this Convention, and particularly those of Article 3 above, each Contracting Party shall refrain from any measure or practice of an internal fiscal nature that directly or indirectly sets up any discrimination between its own products and similar products originating in the territories of the other Contracting Parties.

Title II. Financial and Technical Co-operation

Article 15.

Under the conditions determined below the Community shall participate in measures calculated to promote the economic and social development of the Associated States, by supplementing the efforts achieved by those States.

Article 16.

For the purposes set out in Article 15, and for the duration of this Convention, an aggregate amount of 730 million units of account shall be provided as follows :

- a) 669 million units of account by the Member States; this amount, to be paid into the European Development Fund, hereinafter referred to as « the Fund », shall be employed up to 629 million units of account in the form of grants and the balance in the form of loans on special terms;
- b) up to 64 million units of account by the European Investment Bank, hereinafter referred to as « the Bank », in the form of loans granted by it under the terms set out in Protocol No. 5 concerning the administration of the financial aids, annexed to this Convention.

Article 17.

Under the terms laid down by this Convention and by Protocol No. 5, the amount fixed in Article 16 above shall be employed as follows :

1. in the field of economic and social investments,

- for basic economic and social schemes,
- for production schemes of general interest,
- for production schemes providing normal financial returns,
- for relevant technical assistance before, during and after such investments;

2. in the field of general technical co-operation,

- for surveying the development prospects of the economies of the Associated States,
- for staff training and vocational training programmes;

3. in the field of aids for diversification and production,

- for measures essentially intended to make marketing possible at competitive prices on the Community's markets as a whole, by encouraging, in particular, rationalization of cropping and sales methods, and by aiding producers to make the necessary adaptations;

4. in the field of price stabilization,

- for advances for the purpose of helping to alleviate the effects of temporary fluctuations in world prices.

Article 18.

Grants and loans shall be assigned as follows :

- a) up to 500 million units of account for financing the measures referred to in Article 17, paragraphs 1 and 2,
- b) up to 230 million units of account for financing the measures referred to in Article 17, paragraph 3.

Article 19.

The Bank loans referred to in Article 16 b) may carry a rebate on the interest. The rate of such rebates may be up to 3% on loans of a maximum duration of 25 years.

The amounts required to pay such rebates shall, so long as the Fund exists, be charged to the amount of the grants provided for in Article 16 a).

Article 20.

1. The Community may grant advances from the liquid assets of the Fund up to a ceiling of 50 million units of account for

the operations provided for in Article 17, paragraph 4.

Such advances shall be granted according to the terms set out in Protocol No. 5.

Article 21.

In order to finance the measures referred to in Article 17, the Associated State or group of Associated States concerned shall, as prescribed in Protocol No. 5, open a file for each scheme or programme for which it is requesting financial assistance. It shall send this file to the Community, addressed to the Commission.

The Community shall examine the requests for financing that are brought before it by virtue of the provisions of the foregoing Article. It shall maintain such contacts with the Associated States concerned as it may require in order that its decisions on the schemes or programmes submitted to it may be formulated in full knowledge of the facts. The Associated State or group of Associated States concerned shall be informed of the decision taken regarding its request.

Article 23.

Aid contributed by the Community for the purpose of carrying out certain schemes or programmes may take the form of participation in financing in which, in particular, third countries, international finance organizations, or credit and development institutions and authorities, whether of the Associated States or the Member States, may take part.

Article 24.

1. The following shall be entitled to benefit from aids from the Fund :

a) as regards grants :

- for economic and social investment schemes: either the Associated States, or legal persons who are non-profit-making in their main capacity, who have a status of general or social interest, and who are subject in those States to government inspection;
- for staff training and vocational training programmes and for economic surveys: the Governments of the Associated States specialized bodies and institutions; or on exceptional grounds, scholars and trainees;
- for aid towards production: producers;
- for aid towards diversification: the Associated States, producer groups or similar bodies approved by the Community; or, failing these, producers themselves;

b) as regards loans on special terms and rebates on interest :

- for economic and social investment schemes: either the Associated States, or legal persons who are non-profit-making in their main capacity, who have a status of general or social interest, and who are subject in those States to government inspection, or, possibly, private enterprises by special decision of the Community;
- for aid towards diversification: the Associated States, producer groups or similar bodies approved by the Community, or, failing these, producers themselves and, possibly, private enterprises by special decision of the Community.

2. Financial aids may not be used to cover current administrative, maintenance and operating expenses.

Article 25.

As regards operations financed by the Fund or by the Bank, participation in the letting out of contracts, invitations for tenders, purchasing and other contracts shall be open, on equal terms, to all natural and legal persons who are nationals of the Member States or the Associated States.

Article 26.

The amounts allocated for financing schemes or programmes, under the provisions of this Title, shall be utilized in accordance with the purposes decided upon and shall be expended to the best economic advantage.

Article 27.

The Association Council shall lay down the general pattern for financial and technical co-operation within the framework of association, more particularly in the light of an annual report to be submitted to it by the organ responsible for administering the Community's financial and technical aid.

Article 28.

If any Associated State should fail to ratify the Convention, under the terms set out in Article 57, or denounce the Convention in accordance with Article 60, it shall then be obligatory upon the Contracting Parties to adjust the amount of financial aid fixed in Article 16 and (8).

Title III. Right of Establishment, Services, Payments and Capital

Article 29.

Without prejudice to measures adopted in implementation of the Treaty, in each Associated State nationals and companies of every Member State shall be placed on an equal footing as regards the right of establishment and provision of services, progressively and not later than three years after the entry into force of this Convention.

The Association Council may authorize an Associated State, at its request, to suspend implementation of the provisions of the foregoing sub-paragraph over a given period and for a given activity.

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

Article 30.

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

Article 31.

Subject to the provisions relating to movements of capital, the right of establishment within the meaning of this Convention shall include the right to engage in and carry on non-wage-earning activities, to set up and manage undertakings and in particular companies, and to set up agencies, branches or subsidiaries.

Article 32.

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

Article 33.

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

Companies of a Member State or an Associated State shall be companies constituted in accordance with the law of a Member State or an Associated State, and having their registered office, central administration, or main establishment in a Member State or an Associated State; nevertheless, should they have only their registered office in a Member State or an Associated State, their business must be actively and continuously linked with the economy of that Member State or Associated State.

Article 34.

The Association Council shall take any decisions required to further the implementation of Articles 29 to 33 above.

Article 35.

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

Article 36.

Throughout the whole duration of the loans and advances referred to in Chapters III, IV and V of Protocol No. 5, the Associated States undertake to make available to debtors the foreign currency necessary for the repayment of capital and interest on loans granted for schemes to be carried out in their territory and for repayment of advances granted to the stabilization funds.

Article 37.

1. Associated States shall make every endeavour not to introduce any new exchange restriction that would affect the treatment applied to investments and to current payments connected with the movements of capital resulting therefrom, where these are effected by persons residing in the Member States, and not to make the existing controls more restrictive.
2. To the extent necessary for achieving the objectives of this Convention, the Associated States undertake to treat nationals and companies of Member States on an equal footing, not later than 1 January 1965, in respect of investments made by them as from the date of the entry into force of the Convention, as also of movements of capital resulting therefrom.

Article 38.

The Association Council shall formulate any appropriate recommendations to the Contracting Parties concerning the implementation of Article 35, 36 and 37 above.

Title IV. Institutions of the Association

Article 39.

The Institutions of the Association shall be :

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

Article 40.

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

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

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

Article 41.

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

Article 42.

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

Furthermore it shall meet whenever necessary, in accordance with the conditions laid down in its rules of procedure.

Article 43.

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

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

Article 44.

In cases covered by this Convention, the Association Council shall dispose of the power of decision; such decisions shall be binding upon the Contracting Parties, who shall be under the obligation to take all necessary measures to carry them out.

The Association Council may likewise formulate such resolutions, recommendations or opinions as it may deem necessary to achieve the common objectives and to ensure that the Association system works efficiently.

The Association Council shall periodically study the results of the Association system in the light of that system's objectives.

The Association Council shall lay down its rules of procedure.

Article 45.

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

Article 46.

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

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

Article 47.

1, In its rules of procedure the Association Council shall define the duties and powers of the Association Committee, with the object, in particular, of ensuring the continuity of co-operation essential to the satisfactory operation of the Association.

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

In that event, the Committee shall give its decisions in accordance with the terms of Article 43.

Article 48.

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

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

Article 49.

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

Article 50.

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

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

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

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

Article 51.

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

2. The Court of Arbitration shall be composed of five members: a President who shall be appointed by the Association Council and four judges from among persons whose independence and competence can be fully guaranteed. The judges shall be appointed by the Association Council within three months after the entry into force of the Convention and for duration thereof. Two of the judges shall be appointed by the Council of the

European Economic Community and the other two by the Associated States. For each judge, following the same procedure, the Association Council shall appoint a deputy who shall sit in the event of the accredited judge being unable to do so.

3. The Court of Arbitration shall act by majority vote.

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

5. Within three months after the judges are appointed, the Association Council shall lay down the Statute of the Court of Arbitration, on a proposal of that Court.

6. The Court of Arbitration shall adopt its rules of procedure within the same period.

Article 52.

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

Article 53.

The administrative expenses of the institutions of the Association shall be defrayed in accordance with the terms set out in Protocol No. 6 annexed to this Convention.

Title V. General and Final Provisions

Article 54.

No treaties, conventions, agreements or arrangements of whatever form or nature between one or more Member States and one or more Associated States shall preclude the implementation of the provisions of this Convention.

Article 55.

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

The First Title of this Convention shall also apply to the relations between the French Overseas Territories and the Associated States.

Article 56.

As far as the Community is concerned, this Convention shall be validity concluded by a decision of the Council of the Community taken in conformity with the provisions of the Treaty and notified to the Parties. It shall be ratified by the Signatory States in conformity with their respective constitutional requirements,

The instruments of ratification and the act of notification of the conclusion of the Convention shall be deposited with the Secretariat of the Councils of the European Communities, who shall give notice thereof to the Signatory States.

Article 57.

1. This Convention shall enter into force on the first day of the month following the date on which the instruments of ratification of the Member States and of at least fifteen of the Associated States and the instrument notifying the conclusion of the Convention by the Community have been deposited.

2. Any Associated State which has not ratified the Convention by the date of its entry into force as provided for in the previous paragraph, shall be able to proceed with this ratification only during the twelve months following such entry into force, unless before the expiry of this period it gives notice to the Association Council of its intention to ratify the Convention not later than six months after this period, and on condition that it deposits its instruments of ratification within the same time limit.

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

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

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

Article 58.

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

2. There shall be consultations within the Association Council on any request for association with the Community made by a State which has an economic structure and production comparable to those of the Associated States if the Community, after examining the said request, has laid it before the Association Council.

3. The agreement of association between the Community and any State covered by the previous paragraph may provide for the accession of that State to the present Convention. That State shall then enjoy the same rights and be subject to the same obligations as the Associated States. Provided always that the agreement which associates it with the Community may determine the date on which certain of these rights and obligations shall become applicable to it.

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

Article 59.

This Convention shall be concluded for a period of five years from the date of its entry into force.

Article 60.

One year before the expiry of this Convention, the Contracting Parties shall examine the provisions which might be made for

a further period.

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

Article 61.

The Community and the Member States shall undertake the obligations set out in Articles 2, 5 and 11 of the Convention with respect to Associated States which, on the grounds of international obligations applying at the time of the entry into force of the Treaty establishing the European Economic Community and subjecting them to a particular customs treatment, may consider themselves not yet able to offer the Community the reciprocity provided for by Article 3, paragraph 2 of the Convention.

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

Article 62.

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

Article 63.

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

Article 64.

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

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

Done at Yaoundé on the twentieth day of July in the year one thousand nine hundred and sixty-three.

For His Majesty the King of the Belgians, (L.S.) H. FAYAT

For the President of the Federal Republic of Germany, (L.S.) W. SCHEEL

For the President of the French Republic, (L.S.) R. TRIBOULET

For the President of the Republic of Italy, (L.S.) E. Colombo

For the Royal Highness the Grand Duchess of Luxembourg, (L.S.) E. SCHAUS

For Her Majesty the Queen of the Netherlands, (L.S.) J. LUNS

For the Council of the European Economic Community, (L.S.) J. LUNS, W. HALLSTEIN (L.S.)

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

For His Majesty the Mwami of Burundi, (L.S.) L. NIMUBONA

For the President of the Federal Republic of Cameroon, (L.S.) V. KANGA

For the President of the Central African Republic, (L.S.) J. MACKPAYEN

For the President of the Republic of Chad, (L.S.) M. NGANGTAR

For the President of the Republic of The Congo (Brazzaville), (L.S.) V. SATHOUD

For the President of the Republic of the Congo (Léopoldville), (L.S.) M. LENGEMA

For the President of the Republic of Dahomey, (L.S.) APLOGAN

For the President of the Republic of Gabon, (L.S.) A. ANGUILE

For the President of the Republic of the Ivory Coast, (L.S.) L. AMON TANOH

For the President of the Republic of Madagascar, (L.S.) A. RAMANGASOAVINA

For the Head of State, President of the Council of Government of the Republic of Mali, (L.S.) J. KONE

For the President of the Islamic Republic of Mauritania, (L.S.) M. SIDI

For the President of the Republic of Niger, (L.S.) I. ZODI

For the President of the Republic of Rwanda, (L.S.) C. HABAMENSHI

For the President of the Republic of Senegal, (L.S.) D. GUEYE

For the President of the Republic of Somalia, (L.S.) A. SCEGO

For the President of the Republic of Togo, (L.S.) J. AGBEMEGNAN

For the President of the Republic of the Upper Volta, (L.S.) M. TRAORE