

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

TABLE OF CONTENTS

	<i>Page</i>
PREAMBLE	5
PART 1: GENERAL PROVISIONS	6
Title I — Objectives, principles and actors	6
Chapter 1: Objectives and principles	6
Chapter 2: The actors of the partnership	7
Title II — The political dimension	8
PART 2: INSTITUTIONAL PROVISIONS	11
PART 3: COOPERATION STRATEGIES	13
Title I — Development strategies	13
Chapter 1: General framework	13
Chapter 2: Areas of support	14
Section 1: Economic development	14
Section 2: Social and human development	16
Section 3: Regional Cooperation and Integration	17
Section 4: Thematic and cross-cutting issues	18
Title II — Economic and trade Cooperation	20
Chapter 1: Objectives and principles	20
Chapter 2: New trading arrangements	20
Chapter 3: Cooperation in the international fora	22
Chapter 4: Trade in services	22
Chapter 5: Trade-related areas	23
Chapter 6: Cooperation in other areas	26
PART 4: DEVELOPMENT FINANCE COOPERATION	27
Title I — General provisions	27
Chapter 1: Objectives, principles, guidelines and eligibility	27
Chapter 2: Scope and nature of financing	28
Title II — Financial cooperation	29
Chapter 1: Financial resources	29
Chapter 2: Debt and structural adjustment support	30
Chapter 3: Support in case of short-term fluctuations in export earnings	31
Chapter 4: Support for sectoral policies	32
Chapter 5: Microprojects and decentralised cooperation	32
Chapter 6: Humanitarian and emergency assistance	33
Chapter 7: Investment and private sector development support	33

Title III —	Technical cooperation	35
Title IV —	Procedures and management systems	36
 PART 5:	 GENERAL PROVISIONS FOR THE LEAST-DEVELOPED, LANDLOCKED AND ISLAND ACP STATES (LDLICS)	 37
Chapter 1:	General provisions	37
Chapter 2:	Least-developed ACP States	37
Chapter 3:	Landlocked ACP States	38
Chapter 4:	Island ACP States	38
 PART 6:	 FINAL PROVISIONS	 38

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;

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 development targets and principles agreed in United Nations Conferences and the target, set by the OECD Development Assistance Committee, to reduce by one half the proportion of people living in extreme poverty by the year 2015 provide a clear vision and must underpin ACP-EU 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 foster 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 to the development process. To this end, under the conditions laid down in this Agreement, non-State 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 non-execution clause.

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, in the appropriate format, and at the appropriate level including regional, sub-regional or national level.

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

Article 9

Essential Elements and Fundamental Element

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.

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 belligerent 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.

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.

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.

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.

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.

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.

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

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) the 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:

Article 23

Economic sector development

- (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 banking 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 macroeconomic and monetary policies.

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

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.

- (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.

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;
- (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; and
- (d) reintegrating into society children in post-conflict situations through rehabilitation programmes.

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 can also involve 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 coordination 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 to 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.

- (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

2. Cooperation shall also support inter and intra-ACP cooperation schemes and initiatives.

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;

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 Conven-

tions, 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 Annex V to this Agreement.

4. In this context, the Parties reaffirm the importance of the commodity protocols, attached to Annex 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 pre-requisite 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.

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 competition 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 cooperation 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 Annex 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 and which are authorised by those 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, departments or local authorities of the ACP States 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) agents of decentralised cooperation and other non-State actors from the ACP States and from the Community.

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 financing 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 macro-economic 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 contributing 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 Annex 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 macro-economic 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 macro-economic 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 macroeconomic and sectoral reforms and policies that are at risk as a result of a drop in revenue and 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 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 Annex 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 Annex 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 Annex 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 guarantees 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 Annex 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 Annex 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, cooperation 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 Annex 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 Annex 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 provisions and measures shall be established to support island ACP States in their efforts to overcome the natural and 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 island ACP States is given in Annex 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.

2. (a) If, despite the political dialogue conducted regularly between the Parties, a Party considers that the other Party has failed to fulfil an obligation stemming from respect for human rights, democratic principles and the rule of law referred to in paragraph 2 of Article 9, 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.

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 15 days after the invitation and shall continue for a period established by mutual agreement, depending on the nature and gravity of the violation. In any case, the consultations shall last no longer than 60 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 have disappeared.

(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 21 days after the invitation and shall last no longer than 60 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 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 Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, 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.

Hecho en Cotonú, el veintitrés de junio del año dos mil.
Udfærdiget i Cotonou den treogtyvende juni to tusind.
Geschehen zu Cotonou am dreiundzwanzigsten Juni zweitausend.
Έγινε στην Κοτονού, στις είκοσι τρεις Ιουνίου δύο χιλιάδες.
Done at Cotonou on the twenty-third day of June in the year two thousand.
Fait à Cotonou, le vingt-trois juin deux mille.
Fatto a Cotonou, addì ventitré giugno duemila.
Gedaan te Cotonou, de drieëntwintigste juni tweeduizend.
Feito em Cotonu, em vinte e três de Junho de dois mil.
Tehty Cotonoussa kahdentenakymmenentenäkolmantena päivänä kesäkuuta vuonna kaksituhatta.
Som skedde i Cotonou den tjugotredje juni tjugohundra.

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

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.
Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.
Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

For Hendes Majestæt Danmarks Dronning

Für den Präsidenten der Bundesrepublik Deutschland

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας

Por Su Majestad el Rey de España

Pour le Président de la République française

Thar ceann Uachtarán na hÉireann
For the President of Ireland

Per il Presidente della Repubblica italiana

Pour Son Altesse Royale le Grand-Duc de Luxembourg

Voor Hare Majesteit de Koningin der Nederlanden

Für den Bundespräsidenten der Republik Österreich

Pelo Presidente da República Portuguesa

Suomen Tasavallan Presidentin puolesta
För Republiken Finlands President

På svenska regeringens vägnar

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

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

Pour le Président de la République d'Angola

For Her Majesty the Queen of Antigua and Barbuda

For the Head of State of the Commonwealth of the Bahamas

For the Head of State of Barbados

For the Government of Belize

Pour le Président de la République du Bénin

For the President of the Republic of Botswana

Pour le Président du Burkina Faso

Pour le Président de la République du Burundi

Pour le Président de la République du Cameroun

Pour le Président de la République du Cap-Vert

Pour le Président de la République Centrafricaine

Pour le Président de la République Fédérale Islamique des Comores

Pour le Président de la République démocratique du Congo

Pour le Président de la République du Congo

For the Government of the Cook Islands

Pour le Président de la République de Côte d'Ivoire

Pour le Président de la République de Djibouti

For the Government of the Commonwealth of Dominica

For the President of the Dominican Republic

For the President of the State of Eritrea

For the President of the Federal Republic of Ethiopia

For the President of the Sovereign Democratic Republic of Fiji

Pour le Président de la République gabonaise

For the President and Head of State of the Republic of The Gambia

For the President of the Republic of Ghana

For Her Majesty the Queen of Grenada

Pour le Président de la République de Guinée

Pour le Président de la République de Guinée-Bissau

Pour le Président de la République de Guinée équatoriale

For the President of the Republic of Guyana

Pour le Président de la République d'Haïti

For the Head of State of Jamaica

For the President of the Republic of Kenya

For the President of the Republic of Kiribati

For His Majesty the King of the Kingdom of Lesotho

For the President of the Republic of Liberia

Pour le Président de la République de Madagascar

For the President of the Republic of Malawi

Pour le Président de la République du Mali

For the Government of the Republic of the Marshall Islands

Pour le Président de la République Islamique de Mauritanie

For the President of the Republic of Mauritius

For the Government of the Federated States of Micronesia

Pour le Président de la République du Mozambique

For the President of the Republic of Namibia

For the Government of the Republic of Nauru

Pour le Président de la République du Niger

For the President of the Federal Republic of Nigeria

For the Government of Niue

For the Government of the Republic of Palau

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

Pour le Président de la République Rwandaise

For Her Majesty the Queen of Saint Kitts and Nevis

For Her Majesty the Queen of Saint Lucia

For Her Majesty the Queen of Saint Vincent and the Grenadines

For the Head of State of the Independent State of Samoa

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

Pour le Président de la République du Sénégal

Pour le Président de la République des Seychelles

For the President of the Republic of Sierra Leone

For Her Majesty the Queen of the Solomon Islands

For the President of the Republic of South Africa

For the President of the Republic of the Sudan

For the President of the Republic of Suriname

For His Majesty the King of the Kingdom of Swaziland

For the President of the United Republic of Tanzania

Pour le Président de la République du Tchad

Pour le Président de la République togolaise

For His Majesty King Taufa'ahau Tupou IV of Tonga

For the President of the Republic of Trinidad and Tobago

For Her Majesty the Queen of Tuvalu

For the President of the Republic of Uganda

For the Government of the Republic of Vanuatu

For the President of the Republic of Zambia

For the Government of the Republic of Zimbabwe

ANNEXES TO THE AGREEMENT

TABLE OF CONTENTS

	<i>Page</i>
ANNEX I: FINANCIAL PROTOCOL	67
ANNEX II: TERMS AND CONDITIONS OF FINANCING	69
Chapter 1: Investment financing	69
Chapter 2: Special operations	71
Chapter 3: Financing for short-term fluctuations in export earnings	71
Chapter 4: Other provisions	72
Chapter 5: Investment protection agreements	73
ANNEX III: INSTITUTIONAL SUPPORT — CDE AND CTA	74
ANNEX IV: IMPLEMENTATION AND MANAGEMENT PROCEDURES	76
Chapter 1: Programming (national)	76
Chapter 2: Programming and preparation (regional)	78
Chapter 3: Project implementation	80
Chapter 4: Competition and preferences	82
Chapter 5: Monitoring and evaluation	86
Chapter 6: Management and executing agents	86
ANNEX V: TRADE REGIME APPLICABLE DURING THE PREPARATORY PERIOD REFERRED TO IN ARTICLE 37(1)	90
Chapter 1: General trade arrangements	90
Chapter 2: Special undertaking on sugar and beef and veal	92
Chapter 3: Final provisions	93
PROTOCOL 1 CONCERNING THE DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS' AND METHODS OF ADMINISTRATIVE COOPERATION	94
Title I — General provisions	95
Title II — Definition of the concept of 'originating products'	96
Title III — Territorial requirements	99
Title IV — Proof of origin	100
Title V — Arrangements for administrative cooperation	105
Title VI — Ceuta and melilla	108
Title VII — Final provisions	108
Annex I to Protocol 1 — Introductory notes to the list in Annex II	109
Annex 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	115
Annex III to Protocol 1 — Overseas countries and territories	187
Annex IV to Protocol 1 — Form for movement certificate	188
Annex V to Protocol 1 — Invoice declaration	193
Annex VI A to Protocol 1 — Supplier declaration for products having preferential origin status	195

Annex VI B to Protocol 1 — Supplier declaration for products not having preferential origin status	196
Annex VII to Protocol 1 — Information certificate	197
Annex VIII to Protocol 1 — Form for application for a derogation	201
Annex 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	203
Annex X to Protocol 1 — Textile products excluded from the cumulation procedure with certain developing countries referred to in Article 6(11) of this Protocol	209
Annex 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	210
Annex 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 Cooperation between the European Community and the Republic of South Africa	234
Annex XIII to Protocol 1 — Products to which Article 6(3) shall not be applicable	244
Annex XIV to Protocol 1 — Fishery products to which Article 6(3) shall temporarily not be applicable ..	261
Annex XV to Protocol 1 — Joint declaration on cumulation	265
PROTOCOL 2 ON THE IMPLEMENTATION OF ARTICLE 9	266
PROTOCOL 3 CONTAINING THE TEXT OF PROTOCOL 3 ON ACP SUGAR	267
Annex to Protocol 3 — Declarations on Protocol 3	269
Annex to Protocol 3 — Exchanges of letters	270
PROTOCOL 4 ON BEEF AND VEAL	275
PROTOCOL 5 — THE SECOND BANANA PROTOCOL	276
ANNEX VI: LIST OF LDICS	277
PROTOCOLS	279
PROTOCOL 1 ON THE OPERATING EXPENDITURE OF THE JOINT INSTITUTIONS	280
PROTOCOL 2 ON PRIVILEGES AND IMMUNITIES	281
Chapter 1: Persons taking part in the work of the Agreement	281
Chapter 2: Property, funds and assets of the Council of ACP Ministers	281
Chapter 3: Official communications	282
Chapter 4: Staff of the Secretariat of the ACP States	282
Chapter 5: Commission Delegations in the ACP States	282
Chapter 6: General provisions	283
PROTOCOL 3 ON SOUTH AFRICA	284

ANNEX 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 Annex 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 Annex 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 Annex 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 Annex II to this Agreement funded from the resources mentioned in paragraph 3(a) of this Annex.
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 Annex 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 Annex. 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.

ANNEX 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 or in post-conflict countries that are prerequisites for private sector development. In such cases, the interest rate of the loan will be reduced by 3 %; and

(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 interest rate 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 to support project-related technical assistance, particularly for financial institutions in the 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) endeavour to 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.

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 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 part, and by the other parties involved, on the other. On average, the foreign exchange rate risk shall 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.

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. Eligibility for additional resources shall be established by:
 - a) a 10 % (2 % in the case of least-developed countries) 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 countries) 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 10 % 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.

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 Annex 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 multilateral 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.

ANNEX 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

- (d) 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.

ANNEX 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 programmes. 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 from 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 post-conflict countries; 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 macro-economic 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.

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 projects and programmes 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) identification of eligible non-State actors and the resources allocated for non-State actors;
- (e) proposals for regional projects and programmes; 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 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.

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 Head of Delegation 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 Head of Delegation 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 Head of Delegation 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) projects and programmes 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 Head of Delegation 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 Head of Delegation 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 mid-term and end-of-term reviews, the Community may 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; and/or
- (b) a regional body of which at least two ACP States are members.

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

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.

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 projects and programmes 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

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.

*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 3 mandated regional bodies or organisations belonging to different geographic regions, or the National Authorising Officers of such regions; or
 - (b) the ACP Council of Ministers, or, by specific delegation, the ACP Committee of Ambassadors; or
 - (c) international organisations carrying out operations that contribute to the objectives of regional cooperation and integration, subject to prior approval by the ACP Committee of Ambassadors.

*Article 14***Procedures for implementation**

1. Regional programmes shall be implemented by the requesting body or any other duly authorised institution or body.

2. Intra-ACP programmes shall be implemented by the requesting body or their duly authorised agent. In the absence of a duly authorised implementing body, and without prejudice to ad hoc projects and programmes managed by the ACP Secretariat, the Commission shall be responsible for the implementation of intra-ACP operations.

3. Account being taken of the objectives and inherent characteristics of regional cooperation, operations undertaken in this sphere shall be governed by the procedures established for development finance cooperation where applicable.

CHAPTER 3

PROJECT IMPLEMENTATION*Article 15***Project identification, preparation and appraisal**

1. Projects and programmes that have been presented by the ACP State shall be subject to joint appraisal. The ACP-EC Development Finance Cooperation Committee shall develop the general guidelines and criteria for appraisal of projects and programmes.

2. Project or programme dossiers prepared and submitted for financing must contain all information necessary for the appraisal of the projects or programmes or, where such projects and programmes have not been completely defined, provide the broad outlines necessary for their appraisal. Such dossiers shall be officially transmitted to the Community by the ACP States or the other eligible beneficiaries in accordance with this Agreement.

3. Project and programme 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.

*Article 16***Financing proposal and decision**

1. The conclusions of the appraisal shall be summarised in a financing proposal drawn up by the Community in close collaboration with the ACP State concerned. This financing proposal shall be submitted for approval by the Commission's decision-making body.

2. The financing proposal shall contain an advance timetable for the technical and financial implementation of the project or programme, including multi-annual programmes and global allocations for operations of a small financial scale, and shall deal with the duration of the different phases of implementation. The financing proposal shall:

- (a) take into account the comments of the ACP State or States concerned; and
- (b) be forwarded simultaneously to the ACP State or States concerned and the Community.

3. The Commission shall finalise the financing proposal and forward it, with or without amendment, to the Community's decision-making body. The ACP State or States concerned shall be given an opportunity to comment on any amendment of substance which the Commission intends to make to the document. These comments shall be reflected in the amended financing proposal.

4. The Community's decision-making body shall communicate its decision within 120 days from the date of communication of the financial proposal referred to above.

5. Where the financing proposal is not adopted by the Community, the ACP State or States concerned shall be informed immediately of the reasons for that decision. In such a case, the representatives of the ACP State or States 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 the Agreement; or
- (b) that they be given a hearing by the Community's decision-making body.

6. Following such a hearing, a definitive decision to adopt or reject the financing proposal shall be taken by the relevant Community body to which the ACP State or States concerned may forward, before the decision is taken, any facts which may appear necessary to supplement the information available to it.

7. Multi-annual programmes shall, *inter alia*, finance training, decentralised operations, micro-projects, trade promotion and trade development, sets of operations of a limited scale in a specific sector, project/programme management support and technical cooperation.

8. In cases referred to above, the ACP State concerned may submit to the Head of Delegation a multi-annual programme setting out its broad outlines, the types of actions envisaged and the financial commitment proposed:

- (a) the financing decision on each multi-annual programme shall be taken by the Chief Authorising Officer. The letter from the Chief Authorising Officer to the National Authorising Officer notifying such decision shall constitute the financing agreement; and
- (b) within the framework of multi-annual programmes thus adopted, the National Authorising Officer or, when the case arises, the agent of decentralised cooperation which has been delegated functions for this purpose or, in appropriate cases, other eligible beneficiaries shall implement each individual action in accordance with the

relevant provisions of this Agreement and the terms of the financing agreement referred to above. Where implementation is to be carried out by agents of decentralised cooperation or other eligible beneficiaries, the National Authorising Officer and the Head of Delegation shall maintain financial responsibility and monitor the operations regularly with a view to enabling them, *inter alia*, to carry out their obligations.

9. At the end of each year, the National Authorising Officer in consultation with the Head of Delegation, shall forward a report to the Commission on the implementation of the multi-annual programmes.

Article 17

Financing agreement

1. Save as otherwise provided for in this Agreement, for any project or programme financed by a grant from the Fund, a financing agreement shall be drawn up between the Commission and the ACP State or States concerned. Where the direct beneficiary is not an ACP State, the Commission shall formalise the financing decision by means of an exchange of letters with the beneficiary concerned.

2. The financing agreement shall be drawn up between the Commission and the ACP State or States concerned within 60 days of the decision of the Community's decision-making body. The agreement shall:

- (a) specify, in particular the details of the Fund's financial commitment and the financing arrangements and terms, the general and specific provisions relating to the project or programme concerned and shall also incorporate the advance timetable for the technical implementation of the project or programme contained in the financing proposal; and
- (b) make adequate provision for appropriations to cover cost increases and contingencies.

3. Once the financing agreement has been signed, disbursements shall be made in accordance with the financing plan laid down therein. Any unexpended balance left upon closure of the accounts of projects and programmes shall accrue to the ACP State concerned and shall be so specified in the Fund's books. It may be used in the manner laid down in this Agreement for the financing of projects and programmes.

Article 18

Cost over-runs

1. Once it appears that cost over-runs beyond the limit set in the financing agreement are likely to be incurred, the

National Authorising Officer shall, through the Head of Delegation, notify the Chief Authorising Officer accordingly, as well as of the measures which the National Authorising Officer intends to take in order to cover such cost over-runs over the allocated appropriations, either by reducing the scale of the project or programme or by calling on national or other non-Community resources.

2. If it is decided by agreement with the Community not to scale down the project or programme or if it is not possible to cover them by other resources, then such over-runs may be financed up to 20% of the financial commitment for the project or programme concerned 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, in agreement with the Commission, may, on completion of project appraisal and before the financing decision is taken:

- (a) issue invitations to tender for all types of contracts, with a suspension clause; and
- (b) 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 expenditures must satisfy the procedures provided for in the Agreement.

2. These provisions do not prejudice the powers of the Community's decision-making body.

3. Expenditure made by the ACP State in pursuance of this provision shall be retroactively financed under the project or programme, once the financing agreement is signed.

CHAPTER 4

COMPETITION AND PREFERENCES

Article 20

Eligibility

Save where a derogation is granted in accordance with the General Regulations for contracts or Article 22:

- (a) participation in invitations to tender and the award of the contracts financed by the Fund shall be open on equal terms to:

- (i) natural persons, companies or firms or public or semi-public agencies of the ACP States and the Member States;
 - (ii) cooperative societies and other legal persons governed by public or private law, of the Member States and/or the ACP States; and
 - (iii) joint ventures or groupings of companies or firms of ACP States and/or of a Member State.
- (b) supplies must originate in the Community and/or the ACP States. 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.

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 therein.

Article 22

Derogation

1. In order to ensure the optimum cost-effectiveness of the system, natural or legal persons from non-ACP developing countries may be authorised to participate in contracts financed by the Community at the request of the ACP States concerned. The ACP States concerned shall, on each occasion,

provide the Head of Delegation with the information needed for the Community 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; and
- (e) technology that is the most appropriate and best suited to local conditions.

2. Participation by third countries in contracts financed by the Community may also be authorised:

- (a) where the Community participates in the financing of regional or inter-regional schemes involving such countries;
- (b) in the case of co-financing projects and programmes; and
- (c) in the case of emergency assistance.

3. In exceptional cases and in agreement with the Commission, consultancy firms with experts who are nationals of third countries may participate in service contracts.

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

Direct labour

1. In case of direct labour operations, projects and programmes shall be implemented through public or semi-public agencies or departments of the State or States concerned or by the 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 participation of the Community shall cover only costs incurred by supplementary measures and temporary expenditure relating to execution strictly confined to the requirements of the project in question.

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

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, given the required competence, preference shall be given to:
 - (i) experts, institutions or consultancy companies or firms from ACP States where tenders of equivalent economic and technical quality are compared,
 - (ii) offers submitted by an ACP firm 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.

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 Annex 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 Annex and the Community's procurement 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

MANAGEMENT AND EXECUTING AGENTS

Article 34

The Chief Authorising Officer

1. The Commission shall appoint the Chief Authorising Officer of the Fund, who shall be responsible for managing the resources of the Fund. The Chief Authorising Officer shall be responsible for commitment, clearance, authorisation and accounting of expenditure under the Fund.

2. The Chief Authorising Officer shall:

- (a) commit, clear and authorise expenditure and keep accounts of commitments and authorisations;
- (b) ensure that financing decisions are carried out;

- (c) in close cooperation with the National Authorising Officer, make commitment decisions and financial arrangements that prove necessary to ensure proper execution of approved operations from the economic and technical viewpoints;
- (d) prepare the tender dossier before the invitations to tender are issued, for:
 - (i) open international tender, and
 - (ii) restricted international invitation to tender with prequalification.
- (e) approve the proposals for the placing of contracts subject to the powers exercised by the Head of Delegation under Article 36;
- (f) ensure publication in reasonable time of international invitations to tender.

3. The Chief Authorising Officer shall, at the end of each year, make available a detailed balance sheet of the Fund showing balances of contributions paid into the Fund by the Member States and global disbursements in respect of each financing heading.

Article 35

National Authorising Officer

1. The Government of each ACP States shall appoint a National Authorising Officer to represent it in all operations financed from the resources of the Fund managed by the Commission and the Bank. The National Authorising Officer may delegate some of these functions and shall inform the Chief Authorising Officer of any such delegation. The National Authorising Officer shall:

- (a) in close cooperation with the Head of Delegation be responsible for the preparation, submission and appraisal of projects and programmes;
 - (b) in close cooperation with the Head of Delegation, issue invitations for local open tender, receive tenders, both local and international (open and restricted), preside over the examination of tenders, establish the results of this examination, sign contracts and riders thereto and approve expenditure;
 - (c) submit, before issuing local open invitations to tender, the invitation to tender dossier to the Head of Delegation who shall give his agreement within 30 days;
 - (d) complete the evaluation of tenders within the tender validity period taking into consideration the period required for the approval of contracts;
 - (e) transmit the results of the examination of and a proposal for placing the contract to the Head of Delegation for his approval within the time limits set out in Article 36;
 - (f) clear and authorise expenditure within the limits of the funds assigned to him; and
 - (g) during the execution operations, make any adaptation arrangements necessary to ensure the proper execution of approved projects or programmes 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 Head of Delegation, decide on:
- (a) technical adjustments and alterations 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;
 - (b) alterations to estimates during execution;
 - (c) transfers from item to item within estimates;
 - (d) changes of site for multiple-unit projects or programmes where justified on technical, economic or social grounds;
 - (e) imposition or remission of penalties for delay;
 - (f) acts discharging guarantors;
 - (g) purchase of goods, irrespective of their origin, on the local market;
 - (h) 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;
 - (i) subcontracting;
 - (j) final acceptance, provided that the Head of Delegation 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
 - (k) 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. Where a Head of Delegation is appointed to a group of ACP States, appropriate steps shall be taken to ensure that the Head of Delegation is represented by a deputy resident in each of the States in which the Head of Delegation is not resident. The Head of Delegation shall represent the Commission in all spheres of its competence and in all its activities.

2. To this end, and in close cooperation with the National Authorising Officer, the Head of Delegation shall:

- (a) at the request of the ACP State concerned, participate and give assistance in the preparation of projects and programmes and in negotiating technical assistance contracts;
- (b) participate in appraising projects and programmes, preparing tender dossiers and seeking ways to simplify project and programme appraisal and implementation procedures;
- (c) prepare financing proposals;
- (d) approve, before the National Authorising Officer issues them, the local open invitation to tender and the emergency assistance contract dossiers within 30 days of their submission to him by the National Authorising Officer;
- (e) be present at the opening of tenders and receive copies of them and of the results of their examination;
- (f) approve, within 30 days, the National Authorising Officer's proposal for the placing of local open tenders, direct agreement contracts, emergency assistance contracts, service contracts and works contracts with a value less than EUR 5 million and supply contracts with a value less than EUR 1 million;
- (g) for all other contracts not covered by the above, approve within 30 days the National Authorising Officer's proposal for the placing of the contract wherever the following conditions are fulfilled:
 - (i) the tender selected is the lowest of those conforming to the requirements of the tender dossier;

(ii) the tender selected meets all the selection criteria stated in the tender dossier; and

(iii) the tender selected does not exceed the sum earmarked for the contract.

(h) where the conditions set out in paragraph (g) are not fulfilled, forward the proposal to the Chief Authorising Officer who shall decide thereon within 60 days of the receipt of the Head of Delegation. Where the price of the selected tender exceeds the sum earmarked for the contract, the Chief Authorising Officer shall, upon giving approval to the award, make the necessary financial commitment;

(i) endorse contracts and estimates in the case of direct labour, riders thereto as well as payment authorisations issued by the National Authorising Officer;

(j) ensure that the projects and programmes financed from the resources of the Fund managed by the Commission are properly executed from the financial and technical viewpoints;

(k) cooperate with the national authorities of the ACP State where he represents the Commission in evaluating operations regularly;

(l) communicate to the ACP State all information and relevant documents on the procedures for implementing development finance cooperation especially as regards appraisal criteria and tender evaluation criteria; and

(m) on a regular basis, inform the national authorities of Community activities which may directly concern cooperation between the Community and the ACP States.

3. The Head of Delegation shall have the necessary instructions and delegated powers to facilitate and expedite all operations under the Agreement. Any further delegation of administrative and/or financial powers to the Head of Delegation other than described in this Article shall be notified to the National Authorising Officers and the Council of Ministers.

Article 37

Payments and paying agents

1. For the purpose of effecting payments in the national currencies of the ACP States, accounts denominated in the currencies of the Members States or in Euro shall be opened in each ACP State 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.

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. For the purpose of effecting payments in Euro, accounts denominated in Euro shall be opened in the name of the Commission with financing institutions in the Member States. These institutions shall exercise the functions of Paying Agents in Europe.

4. Payments from the European accounts, which will be executed on the instruction of the Commission or by the Head of Delegation acting on its behalf, may be made in respect of expenditure authorised by the National Authorising Officer or by the Chief Authorising Officer with the prior authorisation of the National Authorising Officer.

5. Within the limits of the funds available in the accounts, the Paying Agents shall make disbursements authorised by the National Authorising Officer or, as appropriate, the Chief Authorising Officer, after verifying that the supporting documents provided are substantially correct and in order, and that the discharge given for payment is valid.

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. The Paying Agents, the National Authorising Officer, the Head of Delegation and the responsible Commission departments shall remain financially liable until the Commission gives final clearance for the operations for the execution of which they are responsible.

ANNEX 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 Annex I to the Treaty where they come under a common organization 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 favorable treatment than that granted to third countries benefiting from the most-favored-nation clause for the same products.

(b) If, during the application of this Annex, the ACP States request that new lines of agricultural production or agricultural products which are not the subject of specific arrangements when this Annex 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 organization 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-favored-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.

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 Annex 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 favorable 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 Annex. 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 Annex, and the methods of administrative cooperation relating thereto, are defined in Protocol 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 Annex, 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 Annex, 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 Annex, 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 Annex, 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 Annex, 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 Annex as Protocol 3.

3. Article 8 of this Annex 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 Annex shall form an integral part thereof.

PROTOCOL 1

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

INDEX

TITLE I: GENERAL PROVISIONS

Article 1: Definitions

TITLE II: DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS'

Article 2: General requirements

Article 3: Wholly obtained products

Article 4: Sufficiently worked or processed products

Article 5: Insufficient working or processing operations

Article 6: Cumulation of origin

Article 7: Unit of qualification

Article 8: Accessories, spare parts and tools

Article 9: Sets

Article 10: Neutral elements

TITLE III: TERRITORIAL REQUIREMENTS

Article 11: Principle of territoriality

Article 12: Direct transport

Article 13: Exhibitions

TITLE IV: PROOF OF ORIGIN

Article 14: General requirements

Article 15: Procedure for the issue of a movement certificate EUR 1

Article 16: Movement certificates EUR 1 issued retrospectively

Article 17: Issue of a duplicate movement certificate EUR 1

Article 18: Issue of movement certificates EUR 1 on the basis of a proof of origin issued or made out previously

Article 19: Conditions for making out an invoice declaration

Article 20: Approved exporter

Article 21: Validity of proof of origin

Article 22: Transit procedure

Article 23: Submission of proof of origin

Article 24: Importation by instalments

Article 25: Exemptions from proof of origin

Article 26: Information procedure for cumulation purposes

Article 27: Supporting documents

Article 28: Preservation of proof of origin and supporting documents

Article 29: Discrepancies and formal errors

Article 30: Amounts expressed in EUR

TITLE V: ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

Article 31: Mutual assistance

Article 32: Verification of proofs of origin

Article 33: Verification of suppliers' declaration

Article 34: Dispute settlement

Article 35: Penalties

Article 36: Free zones

Article 37: Customs Cooperation Committee

Article 38: Derogations

TITLE VI: CEUTA AND MELILLA

Article 39: Special conditions

TITLE VII: FINAL PROVISIONS

Article 40: Revision of rules of origin

Article 41: Annexes

Article 42: Implementation of the Protocol

ANNEXES

Annex I to Protocol 1: Introductory notes to the list in Annex II

Annex 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

Annex III to Protocol 1: Overseas countries and territories

Annex IV to Protocol 1: Form for movement certificate

Annex V to Protocol 1: Invoice declaration

Annex VIA to Protocol 1: Supplier declaration for products having preferential origin status

Annex VIB to Protocol 1: Supplier declaration for products not having preferential original status

Annex VII to Protocol 1: Information certificate

Annex VIII to Protocol 1: Form for application for a derogation

Annex 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

Annex X to Protocol 1: Textile products excluded from the cumulation procedure with certain developing countries referred to in Article 6(11) of this Protocol

Annex 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 Trade, Development and Co-operation Agreement between the European Community and the Republic of South Africa

Annex 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 Trade, Development and Co-operation Agreement between the European Community and the Republic of South Africa

Annex XIII to Protocol 1: Products to which Article 6(3) shall not be applicable

Annex XIV to Protocol 1: Fishery products to which Article 6(3) shall temporarily not be applicable

Annex XV to Protocol 1: Joint declaration on cumulation

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 ANNEX 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 Annex 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 per cent 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 per cent 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 Annex XI and 6 years for the products listed in Annex 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 Annex 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 Annex 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 European 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 materials originating in the non-ACP developing country used in its manufacture, are classified. For products listed in Annex 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 Annex 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 provisions of Annex 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 Annex 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 Annex 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 Annex 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 Annex 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 4 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 application 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', 'DELIVRÉ 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 Annex V to this Protocol, using one of the linguistic versions set out in that Annex 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 ANNEX 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 authorization 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 Annex 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 Annex 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 Annex 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 annex 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 declaration 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 book-keeping;
- (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 enquires 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 Annex 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 State, 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 co-operation 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 Annex 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.

Annex I to Protocol 1

INTRODUCTORY NOTES TO THE LIST IN ANNEX 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 (metallized 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 per cent 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 per cent 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 per cent 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 per cent 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⁽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;
 - (j) in respect of heavy oils falling within heading No ex 2710 only, desulphurization with hydrogen resulting in a reduction of at least 85 per cent of the sulphur content of the products processed (ASTM D 1266-59 T method);

⁽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.

- (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.
-

Annex 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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(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 flavoured 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	.or (4)
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	
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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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: <ul style="list-style-type: none"> — 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	
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: <ul style="list-style-type: none"> — 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, molluscs 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: <ul style="list-style-type: none"> — Chemically pure maltose and fructose — Other sugars in solid form, flavoured or coloured — Other 	Manufacture from materials of any heading including other materials of heading No 1702 Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product Manufacture in which all the materials used must already be originating	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
ex 1703	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: <ul style="list-style-type: none"> — 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: <ul style="list-style-type: none"> — 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 	
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: <ul style="list-style-type: none"> — Malt extract — Other 	Manufacture from cereals of Chapter 10 Manufacture in which: <ul style="list-style-type: none"> — 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:		

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
	<ul style="list-style-type: none"> — 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 	<p>Manufacture in which all the cereals and derivatives (except durum wheat and its derivatives) used must be wholly obtained</p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> — 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	<p>Manufacture:</p> <ul style="list-style-type: none"> — from materials not classified within heading No 1806; — in which all the cereals and flour (except durum wheat and its derivatives and Zea mays 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 	
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	

⁽¹⁾ The exception concerning the Zea mays maize is applicable until 31.12.2002.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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: <ul style="list-style-type: none"> — 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	<ul style="list-style-type: none"> — 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 Manufacture in which: <ul style="list-style-type: none"> — 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 	
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: <ul style="list-style-type: none"> — 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	
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: <ul style="list-style-type: none"> — 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:		

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
ex 2104	— Sauces and preparations therefor; mixed condiments and mixed seasonings	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	
	— Mustard flour and meal and prepared mustard	Manufacture from materials of any heading	
	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: <ul style="list-style-type: none"> — 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 22	Beverages, spirits and vinegar; except for:	Manufacture in which: <ul style="list-style-type: none"> — 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: <ul style="list-style-type: none"> — 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: <ul style="list-style-type: none"> — 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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(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: <ul style="list-style-type: none"> — 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 a 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: <ul style="list-style-type: none"> — 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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	
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	Calcination 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 fibres	Manufacture from asbestos concentrate	
ex 2525	Mica powder	Grinding of mica or mica waste	
ex 2530	Earth colours, calcined or powdered	Calcination 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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 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 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) ⁽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	
2711	Petroleum gases and other gaseous hydrocarbons	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	
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) ⁽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	

⁽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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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 asphaltic rocks	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
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

⁽¹⁾ For the special conditions relating to 'specific processes' see Introductory Notes 7.1 and 7.3

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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 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, 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
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

⁽¹⁾ For the special conditions relating to 'specific processes' see Introductory Notes 7.1 and 7.3

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
ex 2932	<ul style="list-style-type: none"> — Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives — Cyclic acetals and internal hemiacetals and their halogenated, sulphonated, nitrated or nitrosated derivatives 	<p>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</p> <p>Manufacture from materials of any heading</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> <p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product</p>
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	<p>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:</p> <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: — — human blood 	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	
		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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	(4)
3003 and 3004	<ul style="list-style-type: none"> — — animal blood prepared for therapeutic or prophylactic uses — — blood fractions other than anti-sera, 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>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 	
ex Chapter 31	Fertilisers; 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

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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: <ul style="list-style-type: none"> — sodium nitrate — calcium cyanamide — potassium sulphate — magnesium potassium sulphate 	Manufacture in which: <ul style="list-style-type: none"> — 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
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed 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' ⁽²⁾ 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

⁽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.

⁽²⁾ A 'group' is regarded as any part of the heading separated from the rest by a semi-colon.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling 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) ⁽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	
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
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

⁽¹⁾ For the special conditions relating to 'specific processes' see Introductory Notes 7.1 and 7.3

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
3505	<p>Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches:</p> <p>— Starch ethers and esters</p> <p>— Other</p>	<p>Manufacture from materials of any heading, including other materials of heading No 3505</p> <p>Manufacture from materials of any heading, except those of heading No 1108</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> <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 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	<p>Photographic or cinematographic goods; except for:</p> <p>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:</p> <p>— Instant print film for colour photography, in packs</p> <p>— Other</p>	<p>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</p> <p>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</p> <p>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</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> <p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price 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>

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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	<ul style="list-style-type: none"> Colloidal graphite in suspension in oil and semi-colloidal graphite; carbonaceous pastes for electrodes Graphite in paste form, being a mixture of more than 30 % by weight of graphite with mineral oils 	<p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p> <p>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</p>	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
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 packings 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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:		
	<ul style="list-style-type: none"> — Prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous minerals — Other 	Manufacture in which the value of all the materials of heading No 3811 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
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 vanish 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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: — 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 ethanolamines; 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	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

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
	<p>Ammoniacal gas liquors and spent oxide produced in coal gas purification</p> <p>Sulphonaphthenic acids, their water insoluble salts and their esters</p> <p>Fusel oil and Dippel's oil</p> <p>Mixtures of salts having different anions</p> <p>Copying pastes with a basis of gelatin, whether or not on a paper or textile backing</p> <p>— Other</p>	<p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>	
3901 to 3915	<p>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:</p> <p>— Addition homopolymerization products in which a single monomer contributes more than 99 % by weight to the total polymer content</p> <p>— Other</p>	<p>Manufacture in which:</p> <p>— the value of all the materials used does not exceed 50 % of the ex-works price of the product;</p> <p>— the value of any materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product ⁽¹⁾</p> <p>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⁾</p>	<p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p>
ex 3907	<p>— Copolymer, made from polycarbonate and acrylonitrile-butadienestyrene copolymer (ABS)</p> <p>— Polyester</p>	<p>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⁾</p> <p>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)</p>	
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	

⁽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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
3916 to 3921	<p>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:</p> <ul style="list-style-type: none"> — 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 	<p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 50 % of the ex-works price of the product</p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> — 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⁾ <p>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⁾</p>	<p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p>
ex 3916 and ex 3917	Profile shapes and tubes	<p>Manufacture in which:</p> <ul style="list-style-type: none"> — 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 	<p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p>
ex 3920	<ul style="list-style-type: none"> — Ionomer sheet or film — Sheets of regenerated cellulose, polyamides or polyethylene 	<p>Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and metacrylic acid partly neutralized with metal ions, mainly zinc and sodium</p> <p>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</p>	<p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p>

⁽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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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	
ex Chapter 41	Raw hides and skins (other than fur-skins) 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 lamb skins, 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	

⁽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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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	
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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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 coopers' 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 paper-making materials of Chapter 47	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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 paper-making materials of Chapter 47	
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	Manufacturing 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 paper-making materials of Chapter 47	
ex 4819	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres	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 paper-making 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	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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
	— Other	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	
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 fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper-making 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 fibres, — 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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
		or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, 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 fibres, — 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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
		or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, 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 fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper-making materials	
5208 to 5212	Woven fabrics of cotton: — Incorporating rubber thread — Other	Manufacture from single yarn ⁽¹⁾ Manufacture from ⁽¹⁾ : — coir yarn, — natural fibres, — 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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
		or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, 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 fibres; paper yarn	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	
5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn: — Incorporating rubber thread — Other	Manufacture from single yarn ⁽¹⁾ Manufacture from ⁽¹⁾ : — coir yarn, — natural fibres, — 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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
		or	
		Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, 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 fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper-making 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 fibres, — 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, calendering, 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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
5501 to 5507	Man-made staple fibres	Manufacture from chemical materials or textile pulp	
5508 to 5511	Yarn and sewing thread of man-made staple fibres	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	
5512 to 5516	Woven fabrics of man-made staple fibres: — Incorporating rubber thread — Other	Manufacture from single yarn ⁽¹⁾ Manufacture from ⁽¹⁾ : — coir yarn, — natural fibres, — 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, calendering, shrink resistance processing, permanent finishing, decatising, 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-wovens; special yarns; twine, cordage, ropes and cables and articles thereof; except for:	Manufacture from ⁽¹⁾ : — coir yarn, — natural fibres, — chemical materials or textile pulp, or — paper making materials	

⁽¹⁾ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
5602	<p>Felt, whether or not impregnated, coated, covered or laminated:</p> <p>— Needleloom felt</p> <p>— Other</p>	<p>Manufacture from (1):</p> <p>— natural fibres,</p> <p>— chemical materials or textile pulp</p> <p>However:</p> <p>— polypropylene filament of heading No 5402,</p> <p>— polypropylene fibres of heading No 5503 or 5506 or</p> <p>— polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used provided their value does not exceed 40 % of the ex-works price of the product</p> <p>Manufacture from (1):</p> <p>— natural fibres,</p> <p>— man-made staple fibres made from casein, or</p> <p>— chemical materials or textile pulp</p>	
5604	<p>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:</p> <p>— Rubber thread and cord, textile covered</p> <p>— Other</p>	<p>Manufacture from rubber thread or cord, not textile covered</p> <p>Manufacture from (1):</p> <p>— natural fibres not carded or combed or otherwise processed for spinning,</p> <p>— chemical materials or textile pulp, or</p> <p>— paper-making materials</p>	
5605	<p>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</p>	<p>Manufacture from (1):</p> <p>— natural fibres,</p> <p>— man-made staple fibres not carded or combed or otherwise processed for spinning,</p> <p>— chemical materials or textile pulp, or</p> <p>— paper-making materials</p>	

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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 fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, — chemical materials or textile pulp, or — paper-making materials	
Chapter 57	Carpets and other textile floor coverings: — Of needleloom felt — Of other felt — Other	Manufacture from ⁽¹⁾ : — natural fibres, or — chemical materials or textile pulp However: — polypropylene filament of heading No 5402, — polypropylene fibres 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 fibre 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 fibres 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 fibres, or — man-made staple fibres not carded or combed or otherwise processed for spinning Jute fabric may be used as backing	

(1) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
ex Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; except for: — Combined with rubber thread — Other	Manufacture from single yarn ⁽¹⁾ Manufacture from ⁽¹⁾ : — natural fibres, — man-made staple fibres 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, calendering, 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 hat foundations	Manufacture from yarn	
5902	Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:		

⁽¹⁾ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
	<ul style="list-style-type: none"> — Containing not more than 90 % by weight of textile materials — Other 	<p>Manufacture from yarn</p> <p>Manufacture from chemical materials or textile pulp</p>	
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading No 5902	<p>Manufacture from yarn</p> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, 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</p>	
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	<p>Textile wall coverings:</p> <ul style="list-style-type: none"> — Impregnated, coated, covered or laminated with rubber, plastics or other materials — Other 	<p>Manufacture from yarn</p> <p>Manufacture from ⁽¹⁾:</p> <ul style="list-style-type: none"> — coir yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp, <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, 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</p>	

⁽¹⁾ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
5906	Rubberized textile fabrics, other than those of heading No 5902: — Knitted or crocheted fabrics — Other fabrics made of synthetic filament yarn, containing more than 90 % by weight of textile materials — Other	Manufacture from ⁽¹⁾ : — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp Manufacture from chemical materials 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, mercerising, heat setting, rasing, calendering, 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	
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	Manufacture from yarn or waste fabrics or rags of heading No 6310	

⁽¹⁾ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
	<p>— 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</p> <p>— Other</p>	<p>Manufacture from ⁽¹⁾:</p> <ul style="list-style-type: none"> — 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 <i>m</i>-phenylenediamine and isophthalic acid, — monofil of polytetrafluoroethylene ⁽²⁾ — yarn of synthetic textile fibres of poly-<i>p</i>-phenylene terephthalamide, — glass fibre 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 fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp <p>Manufacture from ⁽¹⁾:</p> <ul style="list-style-type: none"> — coir yarn, — natural fibres, — 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	<p>Manufacture from ⁽¹⁾:</p> <ul style="list-style-type: none"> — natural fibres, — 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 paper-making machinery.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(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 fibres, — 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 ⁽²⁾ ⁽¹⁾	
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 ⁽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 ⁽²⁾	
ex 6210 and ex 6216	Fire-resistant equipment of fabric covered with foil of aluminized polyester	Manufacture from yarn ⁽²⁾ 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 ⁽²⁾	
6213 and 6214	Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like: — Embroidered	Manufacture from unbleached single yarn ⁽²⁾ ⁽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 ⁽²⁾	

⁽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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
6217	<p>— Other</p> <p>Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading No 6212:</p> <p>— Embroidered</p> <p>— Fire-resistant equipment of fabric covered with foil of aluminized polyester</p> <p>— Interlinings for collars and cuffs, cut out</p> <p>— Other</p>	<p>Manufacture from unbleached single yarn ⁽¹⁾ ⁽²⁾</p> <p>or</p> <p>Making up followed by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, 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</p> <p>Manufacture from yarn ⁽¹⁾</p> <p>or</p> <p>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⁾</p> <p>Manufacture from yarn ⁽¹⁾</p> <p>or</p> <p>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⁾</p> <p>Manufacture in which:</p> <p>— all the materials used are classified within a heading other than that of the product;</p> <p>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</p> <p>Manufacture from yarn ⁽¹⁾</p>	
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, travelling rugs, bed linen etc.; curtains etc.; other furnishing articles:		

⁽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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	(4)
6305	<p>— Of felt, of nonwovens</p> <p>— Other:</p> <p>— — Embroidered</p> <p>— — Other</p>	<p>Manufacture from ⁽¹⁾:</p> <p>— natural fibres, or</p> <p>— chemical materials or textile pulp</p> <p>Manufacture from unbleached single yarn ⁽²⁾ ⁽³⁾</p> <p>or</p> <p>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</p> <p>Manufacture from unbleached single yarn ⁽²⁾ ⁽³⁾</p>	
	Sacks and bags, of a kind used for the packing of goods	<p>Manufacture from ⁽¹⁾:</p> <p>— natural fibres,</p> <p>— man-made staple fibres not carded or combed or otherwise processed for spinning, or</p> <p>— chemical materials or textile pulp</p>	
	<p>6306</p> <p>Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods:</p> <p>— Of nonwovens</p> <p>— Other</p>	<p>Manufacture from ⁽¹⁾ ⁽²⁾:</p> <p>— natural fibres, or</p> <p>— chemical materials or textile pulp</p> <p>Manufacture from unbleached single yarn ⁽¹⁾ ⁽²⁾</p>	
	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 table cloths 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	

⁽¹⁾ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

⁽²⁾ See Introductory Note 6.

⁽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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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 fibres ⁽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; hair-nets of any material, whether or not lined or trimmed	Manufacture from yarn or textile fibres ⁽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	
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	

⁽¹⁾ See Introductory Note 6.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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	

⁽¹⁾ SEMII-Semiconductor Equipment and Materials Institute Incorporated.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(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)	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p> <p>or</p> <p>Cutting of glassware, provided the value of the uncut glassware does not exceed 50 % of the ex-works price of the product</p> <p>or</p> <p>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</p>	
ex 7019	Articles (other than yarn) of glass fibres	<p>Manufacture from:</p> <ul style="list-style-type: none"> — 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	<p>Precious metals:</p> <ul style="list-style-type: none"> — Unwrought 	<p>Manufacture from materials not classified within heading No 7106, 7108 or 7110</p> <p>or</p> <p>Electrolytic, thermal or chemical separation of precious metals of heading No 7106, 7108 or 7110</p> <p>or</p> <p>Alloying of precious metals of heading No 7106, 7108 or 7110 with each other or with base metals</p>	
	— 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p> <p>or</p> <p>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</p>	
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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
7302	Railway or tramway track construction materials of iron or steel, the following: rails, checkrails and rackrails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bed-plates, 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	
ex 7307	Tube or pipe fittings 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 frameworks, 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: <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 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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 — Copper alloys and refined copper containing other elements	Manufacture in which all the materials used are classified within a heading other than that of the product 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; — the value of all the materials used does not exceed 50 % of the ex-works price of the product	
7501 to 7503	Nickel mattes, nickel oxide sinters and other intermediate products of nickel metallurgy; unwrought nickel; nickel waste and scrap	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 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	
7601	Unwrought aluminium	Manufacture in which: — all the materials used are classified 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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: <ul style="list-style-type: none"> — 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: <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 50 % of the ex-works price of the product 	
7801	Unwrought lead: <ul style="list-style-type: none"> — 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	
ex Chapter 79	Zinc and articles thereof; except for:	Manufacture in which: <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 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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: <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 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: <ul style="list-style-type: none"> — 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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(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 screwdriving), including dies for drawing or extruding metal, and rock drilling or earth boring tools	Manufacture in which: <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 	
8208	Knives and cutting blades, for machines or for mechanical appliances	Manufacture in which: <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 	
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, paper knives); 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	(4)
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	
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	

⁽¹⁾ This rule shall apply until 31 December 2005.

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
8411	Turbo-jets, turbo propellers and other gas turbines	Manufacture in which: <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 	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
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: <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 	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: <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 	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: <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 	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
ex 8419	Machines for wood, paper pulp and paperboard industries	<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, 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
8420	Calendering or other rolling machines, other than for metals or glass, and cylinders therefor	<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, 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	<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 	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	<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, 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	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(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, 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
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; snow-ploughs and snow-blowers	<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, 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	<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, 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	<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, 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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	<p>Sewing machines, other than book-sewing machines of heading No 8440; furniture, bases and covers specially designed for sewing machines; sewing machine needles:</p> <p>— Sewing machines (lock stitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg with motor</p> <p>— Other</p>	<p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</p> <p>— 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;</p> <p>— the thread tension, crochet and zig-zag mechanisms used are already originating</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>	
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	<p>Manufacture in which:</p> <p>— all the materials used are classified within a heading other than that of the product;</p> <p>— 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 25 % of the ex-works price of the product

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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	
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 <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 	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: <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, 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: <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, 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
ex 8518	Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; audio-frequency electric amplifiers; electric sound amplifier sets	Manufacture: <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 	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 8519	Turntables (record-decks), record-players, cassette-players and other sound reproducing apparatus, not incorporating a sound recording device	Manufacture: <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 	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8520	Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound reproducing device	Manufacture: <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 	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: <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 	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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
8524	<p>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:</p> <ul style="list-style-type: none"> — Matrices and masters for the production of records — 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> <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, 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 	<p>Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product</p>
8525	<p>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</p>	<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 25 % of the ex-works price of the product</p>
8526	<p>Radar apparatus, radio navigational aid apparatus and radio remote control apparatus</p>	<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 25 % of the ex-works price of the product</p>
8527	<p>Reception apparatus for radio-telephony, radio-telegraphy or radio broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock</p>	<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 25 % of the ex-works price of the product</p>

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
8528	Reception apparatus for television, whether or not incorporating radio broadcast receivers or sound or video recording or reproducing apparatus; video monitors and video projectors	Manufacture: <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 	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: <ul style="list-style-type: none"> — 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: <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 	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8535 and 8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits	Manufacture: <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, 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: <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, 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

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	(4)
ex 8541	Diodes, transistors and similar semiconductor devices, except wafers not yet cut into chips	Manufacture in which: <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 	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: <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, 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
8544	Insulated (including enamelled or anodised) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, 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 therefor, 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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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) signalling, 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
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

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
	<p>— — Exceeding 50 cc</p> <p>— Other</p>	<p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</p> <p>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</p> <p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</p> <p>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</p>	<p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price 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>
ex 8712	Bicycles without ball bearings	Manufacture from materials not classified in heading No 8714	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8715	Baby carriages and parts thereof	<p>Manufacture in which:</p> <p>— all the materials used are classified within a heading other than that of the product;</p> <p>— 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
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof	<p>Manufacture in which:</p> <p>— all the materials used are classified within a heading other than that of the product;</p> <p>— 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
ex Chapter 88	Aircraft, spacecraft, and parts thereof; 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
ex 8804	Rotochutes	Manufacture from materials of any heading including other materials of heading No 8804	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
8805	Aircraft launching gear; deck-arrestor or similar gear; ground flying trainers; parts of the foregoing articles	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 30 % of the ex-works price of the product

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
Chapter 89	Ships, boats and floating structures	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	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof; except for:	Manufacture in which: <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 	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9001	Optical fibres and optical fibre bundles; optical fibre 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	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
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	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9004	Spectacles, goggles and the like, corrective, protective or other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
ex 9005	Binoculars, monoculars, other optical telescopes, and mountings therefor, except for astronomical refracting telescopes and mountings therefor	Manufacture in which: <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 	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 9006	Photographic (other than cinematographic) cameras; photographic flash-light apparatus and flashbulbs other than electrically ignited flashbulbs	Manufacture in which: <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 	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
9007	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus	Manufacture in which: <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 	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: <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 	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	
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, callipers), 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 No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
9018	<p>Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments:</p> <ul style="list-style-type: none"> — Dentists' chairs incorporating dental appliances or dentists' spittoons — Other 	<p>Manufacture from materials of any heading, including other materials of heading No 9018</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; — 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 40 % of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p>
9019	<p>Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus</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; — 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 25 % of the ex-works price of the product</p>
9020	<p>Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters</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; — 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 25 % of the ex-works price of the product</p>
9024	<p>Machines and appliances for testing the hardness, strength, compressibility, elasticity or other mechanical properties of materials (for example, metals, wood, textiles, paper, plastics)</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>	
9025	<p>Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments</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>	
9026	<p>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</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>	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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	
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	
9030	Oscilloscopes, spectrum analysers 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	

Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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
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, watch bands and watch bracelets, and parts thereof: — Of base metal, whether or not gold- or silver-plated, or of metal clad with precious metal	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
	— Other	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 name-plates 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
ex 9401 and ex 9403	Base metal furniture, incorporating unstuffed cotton cloth of a weight of 300 g/m ² 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: — Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product — 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
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	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
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: <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 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	
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: <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 50 % of the ex-works price of the product 	

HS heading No.	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
9608	Ball-points 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	

*Annex 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:

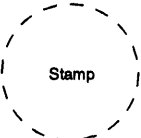
— Anguilla,
— Cayman Islands,
— Falkland Islands,
— South Georgia and South Sandwich Islands,
— Montserrat,
— Pitcairn,
— Saint Helena, Ascension Island, Tristan da Cunha
— British Antarctic Territory,
— British Indian Ocean Territory,
— Turks and Caicos Islands,
— British Virgin Islands.

*Annex 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 25 g/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) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

1. Exporter (name, full address, country)		EUR.1 No A 000.000	
		See notes overleaf before completing this form	
		2. Certificate used in preferential trade between and (insert appropriate countries, groups of countries or territories)	
3. Consignee (name, full address, country) (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	
6. Transport details (Optional)		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)			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)

(2) Complete only where the regulations of the exporting country or territory require.

13. Request for verification, to:	14. Result of verification
<p>Verification of the authenticity and accuracy of this certificate is requested</p> <p>..... (Place and date)</p> <p style="text-align: center;">Stamp</p> <p>..... (Signature)</p>	<p>Verification carried out shows that this certificate (*)</p> <p><input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate.</p> <p><input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).</p> <p>..... (Place and date)</p> <p style="text-align: center;">Stamp</p> <p>..... (Signature)</p> <p>(*) Insert X in the appropriate box.</p>

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

(*) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

1. Exporter (name, full address, country) (Optional)		EUR.1 No A 000.000	
		See notes overleaf before completing this form	
		2. Application for a certificate to be used in preferential trade between and (insert appropriate countries or groups of countries or territories)	
3. Consignee (name, full address, country) (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	
6. Transport details (Optional)			
8. Item number; Marks and numbers; Number and kind of packages (*); Description of goods		9. Gross weight (kg) or other measure (litres, m³, etc.)	10. Invoices (Optional)

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 ('):

.....
.....
.....
.....

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)

(') For example, import documents, movement certificates, manufacturer's declarations, etc. referring to the products used in manufacture or the goods re-exported in the same state.

Annex 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 nº ... (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 προτιμησιακής 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)

(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'.

(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.

Annex via 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⁾ 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 marked were produced'
— If a document other than an invoice or an annex 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.

Annex VIB 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 marked were produced'.
— If a document other than an invoice or an annex 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.

*Annex VII to Protocol 1***Information Certificate**

1. The form of information certificate given in this Annex 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 ⁽¹⁾		INFORMATION CERTIFICATE to facilitate the issue of a MOVEMENT CERTIFICATE for preferential trade between the <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> 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 ⁽¹⁾
				11. Value ⁽⁴⁾
IMPORTED GOODS USED				
12. Harmonised Commodity Description and Coding System heading/subheading number (HS code)			13. Country of origin	14. Quantity ⁽³⁾
				15. Value ⁽²⁾ ⁽⁵⁾
16. Nature of the working or processing carried out				
17. Remarks				
18. CUSTOMS ENDORSEMENT Declaration certified: Document Form No Customs office Date <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 60px; text-align: center;"> Official stamp </div> (Signature)			19. DECLARATION BY THE SUPPLIER I, the undersigned, declare that the information on this certificate is accurate. (Place) (Date) (Signature)	

⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾ See footnotes on verso.

REQUEST FOR VERIFICATION

The undersigned customs official requests verification of the authenticity and accuracy of this information certificate.

.....
(Place and date)

Official
stamp

.....
(Official's signature)

RESULT OF VERIFICATION

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)

Official
stamp

.....
(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.

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, metres 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 cannot 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 annex' 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.

Annex 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 — carbonized	Manufacture from greasy, including piece-wasted wool, the value of which does not exceed 50 % of the ex-works price of the product Manufacture from degreased wool, not carbonized the value of which does not exceed 50 % of the ex-works price of the product
ex 5103	Waste of wool or of fine or coarse animal hair, carbonized	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

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
	<p>— other</p> <p>Woven fabrics, other than fabrics of paper yarn:</p> <p>— printed or dyed</p> <p>— other</p>	<p>or</p> <p>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</p> <p>Manufacture from:</p> <p>— natural fibres not carded or combed or otherwise processed for spinning,</p> <p>— grege silk or silk waste</p> <p>— 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</p> <p>Manufacture from yarn</p> <p>or</p> <p>Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2)</p> <p>Manufacture from yarn</p>
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	<p>Felt, whether or not impregnated, coated, covered or laminated:</p> <p>— printed or dyed</p> <p>— impregnated, coated, covered or laminated</p> <p>— other</p>	<p>Manufacture from fibres</p> <p>or</p> <p>Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2)</p> <p>Impregnation, coating, covering or laminating of non-wovens, unbleached (3)</p> <p>Manufacture from fibres</p>
5603	<p>Non- wovens, whether or not impregnated, coated, covered or laminated</p> <p>— Printed or dyed</p> <p>— impregnated, coated, covered or laminated</p> <p>— other</p>	<p>Manufacture from fibres</p> <p>Or</p> <p>Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations (1) (2)</p> <p>Impregnation, coating, covering or laminating of non-wovens, unbleached (3)</p> <p>Manufacture from fibres</p>

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
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
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 Chapter 58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; — embroidery in the piece, in strips or in motifs (CN code 5810) — printed or dyed — impregnated, coated or covered — other	Manufacture in which the value of the materials used does not exceed 50 % of the ex-works price of the product Manufacture from yarn or Printing or dyeing of unbleached or prebleached fabrics, 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	Working or processing carried out on non-originating materials that confers the status of originating products
(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, armour 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
(*) Chapter 60	Knitted or crocheted fabrics — printed or dyed — other	Manufacture from yarn or Printing or dyeing of unbleached or prebleached fabrics, accompanied by preparatory or finishing operations ⁽¹⁾ ⁽²⁾ Manufacture from yarn

(*) see also the products excluded from the derogation procedure listed in ANNEX X.

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
Chapter 61	Articles of apparel and clothing accessories, knitted or crocheted: — obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form — Other	Complete making up ⁽⁴⁾ Manufacture from yarn
(*) ex Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted; except those falling within CN codes 6213 and 6214 for which the rules are set out below: — finished or complete — unfinished or incomplete	Manufacture from yarn (*) Complete making up ⁽⁴⁾ Manufacture from yarn
6213 and 6214	Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like: — embroidered — Other	Manufacture from yarn or Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product (*) Manufacture from yarn
6301 to ex 6306	Blankets and travelling rugs, 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	Manufacture from fibres Impregnation, coating, covering or laminating of felt or non-wovens, unbleached ⁽³⁾ 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

(*) see also the products excluded from the derogation procedure listed in ANNEX X.

CN Code	Description of product	Working or processing carried out on non-originating materials that confers the status of originating products
(1)	(2)	(3)
	<ul style="list-style-type: none"> — not knitted or crocheted — unembroidered — embroidered 	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, nonmechanical, frames and handles therefor and parts of such frames and handles <ul style="list-style-type: none"> — 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 Annex 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 Annex 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.

However, making-up shall not necessarily be considered as incomplete where one or more finishing operations have not been carried out. The following is a list of examples of finishing operations:

- fitting of buttons and/or other types of fastenings,
- making of 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.

Annex 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 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	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
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 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	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

Annex 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 COÖPERATION BETWEEN THE EUROPEAN COMMUNITY AND THE
REPUBLIC OF SOUTH AFRICA**

Industrial Products

CN code 96	CN code 96
Salt (including table salt and denatured salt)	Phosphinates (hypophosphites), phosphonates
2501 00 51	2835 10 00
2501 00 91	2835 22 00
2501 00 99	2835 23 00
	2835 24 00
Alkali or alkaline-earth metals; rare-earth metals	2835 25 10
2805 11 00	2835 25 90
2805 19 00	2835 26 10
2805 21 00	2835 26 90
2805 22 00	2835 29 10
2805 30 10	2835 29 90
2805 30 90	2835 31 00
2805 40 10	2835 39 10
	2835 39 30
	2835 39 70
Ammonia, anhydrous or in aqueous solution	Carbonates; peroxocarbonates (percarbonates);
2814 10 00	2836 20 00
2814 20 00	2836 40 00
Sodium hydroxide (caustic soda)	2836 60 00
2815 11 00	
2815 12 00	Salts of oxometallic or peroxometallic acids
	2841 61 00
Zinc oxide; zinc peroxide	
2817 00 00	Radioactive chemical elements
	2844 30 11
Artificial corundum	2844 30 19
2818 10 00	2844 30 51
2818 20 00	
2818 30 00	Isotopes other than those of heading No 2844
	2845 10 00
Chromium oxides and hydroxides	2845 90 10
2819 10 00	
2819 90 00	Carbides, whether or not chemically defined
	2849 20 00
Manganese oxides	2849 90 30
2820 10 00	
2820 90 00	Hydrides, nitrides, azides, silicides and borides
	2850 00 70
Titanium oxides	
2823 00 00	Cyclic hydrocarbons
	2902 50 00
Hydrazine and hydroxylamine	
2825 80 00	Halogenated derivatives of hydrocarbons
	2903 11 00
Chlorides, chloride oxides and chloride hydroxides	2903 12 00
2827 10 00	2903 13 00
	2903 14 00
Sulphides; polysulphides	2903 15 00
2830 10 00	2903 16 00
	2903 19 10
	2903 19 90

CN code 9 6

2903 21 00
2903 23 00
2903 29 00
2903 30 10
2903 30 31
2903 30 33
2903 30 38
2903 30 90
2903 41 00
2903 42 00
2903 43 00
2903 44 10
2903 44 90
2903 45 10
2903 45 15
2903 45 20
2903 45 25
2903 45 30
2903 45 35
2903 45 40
2903 45 45
2903 45 50
2903 45 55
2903 45 90
2903 46 10
2903 46 20
2903 46 90
2903 47 00
2903 49 10
2903 49 20
2903 49 90
2903 51 90
2903 59 10
2903 59 30
2903 59 90
2903 61 00
2903 62 00
2903 69 10
2903 69 90

Acyclic alcohols and their halogenated, sulphonated derivatives

2905 11 00
2905 12 00
2905 13 00
2905 14 10
2905 14 90
2905 15 00
2905 16 10
2905 16 90
2905 17 00
2905 19 10
2905 19 90
2905 22 10
2905 22 90
2905 29 10
2905 29 90
2905 31 00
2905 32 00
2905 39 10
2905 39 90
2905 41 00
2905 42 00
2905 49 10
2905 49 51
2905 49 59
2905 49 90
2905 50 10

CN code 9 6

2905 50 30
2905 50 99

Phenols; phenol-alcohols

2907 11 00
2907 15 00
2907 22 10

Ethers, ether-alcohols, ether-phenols

2909 11 00
2909 19 00
2909 20 00
2909 30 31
2909 30 39
2909 30 90
2909 41 00
2909 42 00
2909 43 00
2909 44 00
2909 49 10
2909 49 90
2909 50 10
2909 50 90
2909 60 00

Epoxides, epoxyalcohols, epoxyphenols and epoxyethols

2910 20 00

Aldehydes, whether or not with other oxygen functions

2912 41 00
2912 60 00

Ketones and quinones, whether or not with other oxygen functions

2914 11 00
2914 21 00

Saturated acyclic monocarboxylic acids

2915 11 00
2915 12 00
2915 13 00
2915 21 00
2915 22 00
2915 23 00
2915 24 00
2915 29 00
2915 31 00
2915 32 00
2915 33 00
2915 34 00
2915 35 00
2915 39 10
2915 39 30
2915 39 50
2915 39 90
2915 40 00
2915 50 00
2915 60 10
2915 60 90
2915 70 15
2915 70 20
2915 70 25
2915 70 30
2915 70 80
2915 90 10

CN code 9 6

2915 90 20
2915 90 80

Unsaturated acyclic monocarboxylic acids

2916 12 10
2916 12 20
2916 12 90
2916 14 10
2916 14 90

Polycarboxylic acids, their anhydrides, halides

2917 11 00
2917 14 00
2917 35 00
2917 36 00
2917 37 00

Carboxylic acids with additional oxygen function

2918 14 00
2918 15 00
2918 22 00
2918 90 00

Amine-function compounds

2921 11 10
2921 11 90
2921 12 00
2921 19 10
2921 19 30
2921 19 90
2921 21 00
2921 22 00
2921 29 00
2921 30 10
2921 30 90
2921 41 00
2921 42 10
2921 42 90
2921 43 10
2921 43 90
2921 44 00
2921 45 00
2921 49 10
2921 49 90
2921 51 10
2921 51 90
2921 59 00

Oxygen-function amino-compounds

2922 11 00
2922 12 00
2922 13 00
2922 19 00
2922 21 00
2922 22 00
2922 29 00
2922 30 00
2922 42 10
2922 43 00
2922 49 80
2922 50 00

CN code 9 6

Carboxamide-function compounds

2924 21 10
2924 21 90
2924 29 30

Nitrile-function compounds

2926 10 00
2926 90 90

Organo-sulphur compounds

2930 20 00
2930 90 12
2930 90 14
2930 90 16

Other organo-inorganic compounds

2931 00 40

Heterocyclic compounds with oxygen hetero-atom(s)

2932 12 00
2932 13 00
2932 21 00

Heterocyclic compounds with nitrogen hetero-atom(s)

2933 61 00

Sulphonamides

2935 00 00

Mineral or chemical fertilizers, nitrogenous

3102 10 10
3102 10 90
3102 21 00
3102 29 00
3102 30 10
3102 30 90
3102 40 10
3102 40 90
3102 50 90
3102 60 00
3102 70 90
3102 80 00
3102 90 00

Mineral or chemical fertilizers, phosphatic

3103 10 10
3103 10 90

Mineral or chemical fertilizers

3105 10 00
3105 20 10
3105 20 90
3105 30 10
3105 30 90
3105 40 10
3105 40 90
3105 51 00
3105 59 00
3105 60 10
3105 60 90
3105 90 91
3105 90 99

CN code 96

Tanning extracts of vegetable origin

3201 20 00
3201 90 20

Other colouring matter

3206 11 00
3206 19 00
3206 20 00
3206 30 00
3206 41 00
3206 42 00
3206 43 00
3206 49 90
3206 50 00

Activated carbon; activated natural mineral products

3802 10 00
3802 90 00

Insecticides, rodenticides, fungicides, herbicides

3808 10 20
3808 10 30
3808 30 11
3808 30 13
3808 30 15
3808 30 17
3808 30 21
3808 30 23
3808 30 27
3808 30 30
3808 30 90

Prepared rubber accelerators; compound plasticiser

3812 30 20

Organic composite solvents and thinners

3814 00 90

Mixed alkylbenzenes and mixed alkylnaphthalenes,

3817 10 10
3817 10 50
3817 10 80
3817 20 00

Prepared binders for foundry moulds or cores

3824 90 90

Polymers of ethylene, in primary forms

3901 10 10
3901 10 90
3901 20 00
3901 30 00
3901 90 00

Polymers of propylene or of other olefins

3902 10 00
3902 20 00
3902 30 00
3902 90 00

CN code 96

Polymers of styrene, in primary forms

3903 11 00
3903 19 00
3903 20 00
3903 30 00
3903 90 00

Polymers of vinyl chloride

3904 10 00
3904 21 00
3904 22 00
3904 30 00
3904 40 00
3904 50 00
3904 61 90
3904 69 00
3904 90 00

Polymers of vinyl acetate

3905 12 00

Polyacetals, other polyethers and epoxide resins

3907 20 19
3907 20 90
3907 60 90
3907 91 10
3907 91 90
3907 99 10
3907 99 90

Other plates, sheets, film, foil and strip

3920 10 22
3920 10 28
3920 10 40
3920 10 80
3920 20 21
3920 20 29
3920 20 71
3920 20 79
3920 20 90
3920 30 00
3920 41 11
3920 41 19
3920 41 91
3920 41 99
3920 42 11
3920 42 19
3920 42 91
3920 42 99
3920 51 00
3920 59 00
3920 61 00
3920 62 10
3920 62 90
3920 63 00
3920 69 00
3920 71 11
3920 71 19
3920 71 90
3920 72 00
3920 73 10
3920 73 50
3920 73 90
3920 79 00
3920 91 00
3920 92 00

CN code 96

3920 93 00
3920 94 00
3920 99 11
3920 99 19
3920 99 50
3920 99 90

Other plates, sheets, film, foil and strip

3921 90 19

Articles for the conveyance or packing of goods

3923 21 00

Retreaded or used pneumatic tyres of rubber

4012 10 30
4012 10 50
4012 10 80
4012 20 90
4012 90 10
4012 90 90

Inner tubes, of rubber

4013 10 10
4013 10 90
4013 20 00
4013 90 10
4013 90 90

Leather of bovine or equine animals, without hair

4104 10 91
4104 10 95
4104 10 99
4104 21 00
4104 22 90
4104 29 00
4104 31 11
4104 31 19
4104 31 30
4104 31 90
4104 39 10
4104 39 90

Sheep or lamb skin leather, without wool on

4105 20 00

Leather of other animals, without hair on

4107 10 10
4107 29 10
4107 90 10
4107 90 90

Chamois (including combination chamois) leather

4108 00 10
4108 00 90

Patent leather and patent laminated leather

4109 00 00

Composition leather with a basis of leather or leather

4111 00 00

CN code 96

Articles of apparel and clothing accessories

4203 10 00
4203 21 00
4203 29 10
4203 29 91
4203 29 99
4203 30 00
4203 40 00

Particle board and similar board of wood

4410 11 00
4410 19 10
4410 19 30
4410 19 50
4410 19 90
4410 90 00

Fibreboard of wood or other ligneous materials

4411 11 00
4411 19 00
4411 21 00
4411 29 00
4411 31 00
4411 39 00
4411 91 00
4411 99 00

Plywood, veneered panels and similar laminated wood

4412 13 11
4412 13 19
4412 13 90
4412 14 00
4412 19 00
4412 22 10
4412 22 91
4412 22 99
4412 23 00
4412 29 20
4412 29 80
4412 92 10
4412 92 91
4412 92 99
4412 93 00
4412 99 20
4412 99 80

Builders' joinery and carpentry of wood

4418 10 10
4418 10 50
4418 10 90
4418 20 10
4418 20 50
4418 20 80
4418 30 10
4418 90 10

Wood marquetry and inlaid wood; caskets and cases

4420 90 11
4420 90 19

CN code 96

Articles of natural cork

4503 10 10
4503 10 90
4503 90 00

Plaits and similar products of plaiting materials

4601 99 10

Basketwork, wickerwork and other articles

4602 90 10

Registers, account books, note books, order books

4820 10 30

Children's picture, drawing or colouring books

4903 00 00

Maps and hydrographic or similar charts of all kinds

4905 10 00

Transfers (decalcomanias)

4908 10 00
4908 90 00

Printed or illustrated postcards; printed cards

4909 00 10
4909 00 90

Calendars of any kind, printed, including calendars

4910 00 00

Other printed matter, including printed pictures

4911 10 10
4911 10 90
4911 91 80
4911 99 00

Silk yarn (other than yarn spun from silk waste)

5004 00 10
5004 00 90

Yarn spun from silk waste, not put up for retail sale

5005 00 10
5005 00 90

Silk yarn and yarn spun from silk waste, put up for retail sale

5006 00 10
5006 00 90

Woven fabrics of silk or of silk waste

5007 10 00
5007 20 11
5007 20 19

CN code 96

5007 20 21
5007 20 31
5007 20 39
5007 20 41
5007 20 51
5007 20 59
5007 20 61
5007 20 69
5007 20 71
5007 90 10
5007 90 30
5007 90 50
5007 90 90

Yarn of carded wool, not put up for retail sale

5106 10 10
5106 10 90
5106 20 11
5106 20 19
5106 20 91
5106 20 99

Yarn of combed wool, not put up for retail sale

5107 10 10
5107 10 90
5107 20 10
5107 20 30
5107 20 51
5107 20 59
5107 20 91
5107 20 99

Yarn of fine animal hair (carded or combed), not put up for retail sale

5108 10 10
5108 10 90
5108 20 10
5108 20 90

Yarn of wool or of fine animal hair, put up for retail sale

5109 10 10
5109 10 90
5109 90 10
5109 90 90

Yarn of coarse animal hair or of horsehair

5110 00 00

Woven fabrics of carded wool or of carded fine animal hair

5111 11 11
5111 11 19
5111 11 91
5111 11 99
5111 19 11
5111 19 19
5111 19 31
5111 19 39
5111 19 91
5111 19 99
5111 20 00
5111 30 10
5111 30 30
5111 30 90
5111 90 10

CN code 96

5111 90 91
5111 90 93
5111 90 99

Woven fabrics of combed wool or of combed fine animal hair

5112 11 10
5112 11 90
5112 19 11
5112 19 19
5112 19 91
5112 19 99
5112 20 00
5112 30 10
5112 30 30
5112 30 90
5112 90 10
5112 90 91
5112 90 93
5112 90 99

Woven fabrics of coarse animal hair or of horsehair

5113 00 00

Cotton sewing thread, whether or not put up for retail sale

5204 11 00
5204 19 00
5204 20 00

Cotton yarn (other than sewing thread)

5205 11 00
5205 12 00
5205 13 00
5205 14 00
5205 15 10
5205 15 90
5205 21 00
5205 22 00
5205 23 00
5205 24 00
5205 26 00
5205 27 00
5205 28 00
5205 31 00
5205 32 00
5205 33 00
5205 34 00
5205 35 10
5205 35 90
5205 41 00
5205 42 00
5205 43 00
5205 44 00
5205 46 00
5205 47 00
5205 48 00

Cotton yarn (other than sewing thread)

5206 11 00
5206 12 00
5206 13 00
5206 14 00
5206 15 10
5206 15 90
5206 21 00
5206 22 00

CN code 96

5206 23 00
5206 24 00
5206 25 10
5206 25 90
5206 31 00
5206 32 00
5206 33 00
5206 34 00
5206 35 10
5206 35 90
5206 41 00
5206 42 00
5206 43 00
5206 44 00
5206 45 10
5206 45 90

Cotton yarn (other than sewing thread) put up for retail sale

5207 10 00
5207 90 00

Flax yarn

5306 10 11
5306 10 19
5306 10 31
5306 10 39
5306 10 50
5306 10 90
5306 20 11
5306 20 19
5306 20 90

Yarn of other vegetable textile fibres; paper yarn

5308 20 10
5308 20 90
5308 30 00
5308 90 11
5308 90 13
5308 90 19
5308 90 90

Woven fabrics of flax

5309 11 11
5309 11 19
5309 11 90
5309 19 10
5309 19 90
5309 21 10
5309 21 90
5309 29 10
5309 29 90

Woven fabrics of jute or of other textile bast fibres

5310 10 10
5310 10 90
5310 90 00

Woven fabrics of other vegetable textile fibres

5311 00 10
5311 00 90

CN code 96

Sewing thread of man-made filaments

5401 10 11
5401 10 19
5401 10 90
5401 20 10
5401 20 90

Synthetic filament yarn (other than sewing thread)

5402 10 10
5402 10 90
5402 20 00
5402 31 10
5402 31 30
5402 31 90
5402 32 00
5402 33 10
5402 33 90
5402 39 10
5402 39 90
5402 41 10
5402 41 30
5402 41 90
5402 42 00
5402 43 10
5402 43 90
5402 49 10
5402 49 91
5402 49 99
5402 51 10
5402 51 30
5402 51 90
5402 52 10
5402 52 90
5402 59 10
5402 59 90
5402 61 10
5402 61 30
5402 61 90
5402 62 10
5402 62 90
5402 69 10
5402 69 90

Artificial filament yarn (other than sewing thread)

5403 10 00
5403 20 10
5403 20 90
5403 31 00
5403 32 00
5403 33 10
5403 33 90
5403 39 00
5403 41 00
5403 42 00
5403 49 00

Synthetic monofilament of 67 decitex or more

5404 10 10
5404 10 90
5404 90 11
5404 90 19
5404 90 90

Artificial monofilament of 67 decitex or more

5405 00 00

CN code 96

Man-made filament yarn (other than sewing thread)

5406 10 00
5406 20 00

Woven fabrics of synthetic filament yarn

5407 10 00
5407 20 11
5407 20 19
5407 20 90
5407 30 00
5407 41 00
5407 42 00
5407 43 00
5407 44 00
5407 51 00
5407 52 00
5407 53 00
5407 54 00
5407 61 10
5407 61 30
5407 61 50
5407 61 90
5407 69 10
5407 69 90
5407 71 00
5407 72 00
5407 73 00
5407 74 00
5407 81 00
5407 82 00
5407 83 00
5407 84 00
5407 91 00
5407 92 00
5407 93 00
5407 94 00

Woven fabrics of artificial filament yarn

5408 10 00
5408 21 00
5408 22 10
5408 22 90
5408 23 10
5408 23 90
5408 24 00
5408 31 00
5408 32 00
5408 33 00
5408 34 00

Synthetic filament tow

5501 10 00
5501 20 00
5501 30 00
5501 90 00

Artificial filament tow

5502 00 10
5502 00 90

Synthetic staple fibres, not carded, combed or otherwise

5503 10 11
5503 10 19

CN code 96

5503 10 90
5503 20 00
5503 30 00
5503 40 00
5503 90 10
5503 90 90

Artificial staple fibres, not carded, combed or otherwise

5504 10 00
5504 90 00

Waste (including noils, yarn waste)

5505 10 10
5505 10 30
5505 10 50
5505 10 70
5505 10 90
5505 20 00

Synthetic staple fibres, carded, combed or otherwise

5506 10 00
5506 20 00
5506 30 00
5506 90 10
5506 90 91
5506 90 99

Artificial staple fibres, carded, combed or otherwise

5507 00 00

Sewing thread of man-made staple fibres

5508 10 11
5508 10 19
5508 10 90
5508 20 10
5508 20 90

Yarn (other than sewing thread) of synthetic staple fibres

5509 11 00
5509 12 00
5509 21 10
5509 21 90
5509 22 10
5509 22 90
5509 31 10
5509 31 90
5509 32 10
5509 32 90
5509 41 10
5509 41 90
5509 42 10
5509 42 90
5509 51 00
5509 52 10
5509 52 90
5509 53 00
5509 59 00
5509 61 10
5509 61 90
5509 62 00
5509 69 00

CN code 96

5509 91 10
5509 91 90
5509 92 00
5509 99 00

Yarn (other than sewing thread) of artificial staple fibres

5510 11 00
5510 12 00
5510 20 00
5510 30 00
5510 90 00

Yarn (other than sewing thread) of man-made staple fibres

5511 10 00
5511 20 00
5511 30 00

Wadding of textile materials and articles thereof

5601 10 10
5601 10 90
5601 21 10
5601 21 90
5601 22 10
5601 22 91
5601 22 99
5601 29 00
5601 30 00

Felt, whether or not impregnated

5602 10 11
5602 10 19
5602 10 31
5602 10 35
5602 10 39
5602 10 90
5602 21 00
5602 29 10
5602 29 90
5602 90 00

Nonwovens, whether or not impregnated

5603 11 10
5603 11 90
5603 12 10
5603 12 90
5603 13 10
5603 13 90
5603 14 10
5603 14 90
5603 91 10
5603 91 90
5603 92 10
5603 92 90
5603 93 10
5603 93 90
5603 94 10
5603 94 90

Rubber thread and cord, textile covered

5604 10 00
5604 20 00
5604 90 00

CN code 96

Metallised yarn, whether or not gimped

5605 00 00

Gimped yarn, and strip

5606 00 10

5606 00 91

5606 00 99

Articles of yarn, strip

5609 00 00

Carpets and other textile floor coverings

5701 10 10

5701 10 91

5701 10 93

5701 10 99

5701 90 10

5701 90 90

Woven pile fabrics and chenille fabrics

5801 10 00

5801 21 00

5801 22 00

5801 23 00

5801 24 00

5801 25 00

5801 26 00

5801 31 00

5801 32 00

5801 33 00

5801 34 00

5801 35 00

5801 36 00

5801 90 10

5801 90 90

Terry towelling and similar woven terry fabrics

5802 11 00

5802 19 00

5802 20 00

5802 30 00

Gauze, other than narrow fabrics

5803 10 00

5803 90 10

5803 90 30

5803 90 50

5803 90 90

Tulles and other net fabrics, not including woven

5804 10 11

5804 10 19

5804 10 90

5804 21 10

5804 21 90

5804 29 10

5804 29 90

5804 30 00

Hand-woven tapestries of the type Gobelins

5805 00 00

CN code 96

Narrow woven fabrics

5806 10 00

5806 20 00

5806 31 10

5806 31 90

5806 32 10

5806 32 90

5806 39 00

5806 40 00

Labels, badges and similar articles of textile matter

5807 10 10

5807 10 90

5807 90 10

5807 90 90

Braids in the piece; ornamental trimmings

5808 10 00

5808 90 00

Woven fabrics of metal thread and woven fabrics

5809 00 00

Embroidery in the piece, in strips or in motifs

5810 10 10

5810 10 90

5810 91 10

5810 91 90

5810 92 10

5810 92 90

5810 99 10

5810 99 90

Quilted textile products in the piece

5811 00 00

Textile fabrics coated with gum

5901 10 00

5901 90 00

Tyre cord fabric of high tenacity yarn of nylon

5902 10 10

5902 10 90

5902 20 10

5902 20 90

5902 90 10

5902 90 90

Textile fabrics impregnated, coated, covered

5903 10 10

5903 10 90

5903 20 10

5903 20 90

5903 90 10

5903 90 91

5903 90 99

Linoleum, whether or not cut to shape

5904 10 00

5904 91 10

CN code 96

5904 91 90
5904 92 00

Textile wall coverings

5905 00 10
5905 00 31
5905 00 39
5905 00 50
5905 00 70
5905 00 90

Rubberized textile fabrics

5906 10 10
5906 10 90
5906 91 00
5906 99 10
5906 99 90

Textile fabrics otherwise impregnated, coated or covered

5907 00 10
5907 00 90

Textile wicks, woven, plaited or knitted

5908 00 00

Textile hosepiping and similar textile tubing

5909 00 10
5909 00 90

Transmission or conveyor belts or belting

5910 00 00

Textile products and articles, for technical uses

5911 10 00
5911 20 00
5911 31 11
5911 31 19
5911 31 90
5911 32 10
5911 32 90
5911 40 00
5911 90 10
5911 90 90

Pile fabrics, including 'long pile' fabrics

6001 10 00
6001 21 00
6001 22 00
6001 29 10
6001 29 90
6001 91 10
6001 91 30
6001 91 50
6001 91 90
6001 92 10
6001 92 30
6001 92 50
6001 92 90
6001 99 10
6001 99 90

CN code 96

Men's or boys' overcoats, car-coats, capes, cloaks

6101 10 10
6101 10 90
6101 20 10
6101 20 90
6101 30 10
6101 30 90
6101 90 10
6101 90 90

Women's or girls' overcoats, car-coats, capes, cloaks

6102 10 10
6102 10 90
6102 20 10
6102 20 90
6102 30 10
6102 30 90
6102 90 10
6102 90 90

Men's or boys' suits, ensembles, jackets, blazers

6103 41 10
6103 41 90
6103 42 10
6103 42 90
6103 43 10
6103 43 90
6103 49 10
6103 49 91
6103 49 99

Women's or girls' suits, ensembles, jackets, blazers

6104 51 00
6104 52 00
6104 53 00
6104 59 00
6104 61 10
6104 61 90
6104 62 10
6104 62 90
6104 63 10
6104 63 90
6104 69 10
6104 69 91
6104 69 99

Men's or boys' underpants, briefs, nightshirts, pyjamas

6107 11 00
6107 12 00
6107 19 00
6107 21 00
6107 22 00
6107 29 00
6107 91 10
6107 91 90
6107 92 00
6107 99 00

Women's or girls' slips, petticoats, briefs, panties

6108 11 10
6108 11 90

CN code 96

6108 19 10
6108 19 90
6108 21 00
6108 22 00
6108 29 00
6108 31 10
6108 31 90
6108 32 11
6108 32 19
6108 32 90
6108 39 00
6108 91 10
6108 91 90
6108 92 00
6108 99 10
6108 99 90

T-shirts, singlets and other vests, knitted or crocheted

6109 10 00
6109 90 10
6109 90 30

Track suits, ski suits and swimwear, knitted or crocheted

6112 11 00
6112 12 00
6112 19 00
6112 20 00
6112 31 10
6112 31 90
6112 39 10
6112 39 90
6112 41 10
6112 41 90
6112 49 10
6112 49 90

Garments, made up of knitted or crocheted fabrics

6113 00 10
6113 00 90

Other garments, knitted or crocheted

6114 10 00
6114 20 00
6114 30 00
6114 90 00

Panty hose, tights, stockings, socks and other hosiery

6115 11 00
6115 12 00
6115 19 10
6115 19 90
6115 20 11
6115 20 19
6115 20 90
6115 91 00
6115 92 00
6115 93 10
6115 93 30
6115 93 91
6115 93 99
6115 99 00

CN code 96

Gloves, mittens and mitts, knitted or crocheted

6116 10 20
6116 10 80
6116 91 00
6116 92 00
6116 93 00
6116 99 00

Other made up clothing accessories, knitted or crocheted

6117 10 00
6117 20 00
6117 80 10
6117 80 90
6117 90 00

Men's or boys' overcoats, car-coats, capes, cloaks

6201 11 00
6201 12 10
6201 12 90
6201 13 10
6201 13 90
6201 19 00
6201 91 00
6201 92 00
6201 93 00
6201 99 00

Women's or girls' overcoats, car-coats, capes, cloaks

6202 11 00
6202 12 10
6202 12 90
6202 13 10
6202 13 90
6202 19 00
6202 91 00
6202 92 00
6202 93 00
6202 99 00

Men's or boys' suits, ensembles, jackets, blazers

6203 41 10
6203 41 30
6203 41 90
6203 42 11
6203 42 31
6203 42 33
6203 42 35
6203 42 51
6203 42 59
6203 42 90
6203 43 11
6203 43 19
6203 43 31
6203 43 39
6203 43 90
6203 49 11
6203 49 19
6203 49 31
6203 49 39
6203 49 50
6203 49 90

CN code 96

Women's or girls' suits, ensembles, jackets, blazers

6204 51 00
 6204 52 00
 6204 53 00
 6204 59 10
 6204 59 90
 6204 61 10
 6204 61 80
 6204 61 90
 6204 62 11
 6204 62 31
 6204 62 33
 6204 62 39
 6204 62 51
 6204 62 59
 6204 62 90
 6204 63 11
 6204 63 18
 6204 63 31
 6204 63 39
 6204 63 90
 6204 69 11
 6204 69 18
 6204 69 31
 6204 69 39
 6204 69 50
 6204 69 90

Men's or boys' shirts

6205 10 00
 6205 20 00
 6205 30 00
 6205 90 10
 6205 90 90

Men's or boys' singlets and other vests, underpants

6207 11 00
 6207 19 00
 6207 21 00
 6207 22 00
 6207 29 00
 6207 91 10
 6207 91 90
 6207 92 00
 6207 99 00

Women's or girls' singlets and other vests, slips

6208 11 00
 6208 19 10
 6208 19 90
 6208 21 00
 6208 22 00
 6208 29 00
 6208 91 11
 6208 91 19
 6208 91 90
 6208 92 10
 6208 92 90
 6208 99 00

Brassières, girdles, corsets, braces, suspenders

6212 10 00
 6212 20 00

CN code 96

6212 30 00
 6212 90 00

Handkerchiefs

6213 10 00
 6213 20 00
 6213 90 00

Shawls, scarves, mufflers, mantillas, veils

6214 10 00
 6214 20 00
 6214 30 00
 6214 40 00
 6214 90 10
 6214 90 90

Ties, bow ties and cravats

6215 10 00
 6215 20 00
 6215 90 00

Gloves, mittens and mitts

6216 00 00

Other made up clothing accessories

6217 10 00
 6217 90 00

Blankets and travelling rugs

6301 10 00
 6301 20 10
 6301 20 91
 6301 20 99
 6301 30 10
 6301 30 90
 6301 40 10
 6301 40 90
 6301 90 10
 6301 90 90

Sacks and bags

6305 10 10
 6305 10 90
 6305 20 00
 6305 32 11
 6305 32 81
 6305 32 89
 6305 32 90
 6305 33 10
 6305 33 91
 6305 33 99
 6305 39 00
 6305 90 00

Tarpaulins, awnings and sunblinds; tents; sails

6306 11 00
 6306 12 00
 6306 19 00
 6306 21 00
 6306 22 00
 6306 29 00

CN code 9 6

6306 31 00
6306 39 00
6306 41 00
6306 49 00
6306 91 00
6306 99 00

Other made up articles, including dress patterns

6307 10 10
6307 10 30
6307 10 90
6307 20 00
6307 90 10
6307 90 91
6307 90 99

Sets consisting of woven fabric and yarn

6308 00 00

Worn clothing and other worn articles

6309 00 00

Waterproof footwear with outer soles and uppers of rubber

6401 10 10
6401 10 90
6401 91 10
6401 91 90
6401 92 10
6401 92 90
6401 99 10
6401 99 90

Other footwear with outer soles and uppers of rubber

6402 12 10
6402 12 90
6402 19 00
6402 20 00
6402 30 00
6402 91 00
6402 99 10
6402 99 31
6402 99 39
6402 99 50
6402 99 91
6402 99 93
6402 99 96
6402 99 98

Footwear with outer soles of rubber, plastics, leather

6403 12 00
6403 19 00
6403 20 00
6403 30 00
6403 40 00
6403 51 11
6403 51 15
6403 51 19
6403 51 91
6403 51 95
6403 51 99
6403 59 11

CN code 9 6

6403 59 31
6403 59 35
6403 59 39
6403 59 50
6403 59 91
6403 59 95
6403 59 99
6403 91 11
6403 91 13
6403 91 16
6403 91 18
6403 91 91
6403 91 93
6403 91 96
6403 91 98
6403 99 11
6403 99 31
6403 99 33
6403 99 36
6403 99 38
6403 99 50
6403 99 91
6403 99 93
6403 99 96
6403 99 98

Footwear with outer soles of rubber, plastics, leather

6404 11 00
6404 19 10
6404 19 90
6404 20 10
6404 20 90

Other footwear

6405 10 10
6405 10 90
6405 20 10
6405 20 91
6405 20 99
6405 90 10
6405 90 90

Parts of footwear (including uppers)

6406 10 11
6406 10 19
6406 10 90
6406 20 10
6406 20 90
6406 91 00
6406 99 10
6406 99 30
6406 99 50
6406 99 60
6406 99 80

Unglazed ceramic flags and paving, hearth or wall tiles

6907 10 00
6907 90 10
6907 90 91
6907 90 93
6907 90 99

Glazed ceramic flags and paving, hearth or wall tiles

6908 10 10
6908 10 90

CN code 96

6908 90 11
6908 90 21
6908 90 29
6908 90 31
6908 90 51
6908 90 91
6908 90 93
6908 90 99

Tableware, kitchenware, other household articles

6911 10 00
6911 90 00

Ceramic tableware, kitchenware, other household articles

6912 00 10
6912 00 30
6912 00 50
6912 00 90

Statuettes and other ornamental ceramic articles

6913 10 00
6913 90 10
6913 90 91
6913 90 93
6913 90 99

Glassware of a kind used for table, kitchen

7013 10 00
7013 21 11
7013 21 19
7013 21 91
7013 21 99
7013 29 10
7013 29 51
7013 29 59
7013 29 91
7013 29 99
7013 31 10
7013 31 90
7013 32 00
7013 39 10
7013 39 91
7013 39 99
7013 91 10
7013 91 90
7013 99 10
7013 99 90

Glass fibres (including glass wool)

7019 11 00
7019 12 00
7019 19 10
7019 19 90
7019 31 00
7019 32 00
7019 39 10
7019 39 90
7019 40 00
7019 51 10
7019 51 90
7019 52 00
7019 59 10
7019 59 90
7019 90 10

CN code 96

7019 90 30
7019 90 91
7019 90 99

Other articles of precious metal

7115 90 10
7115 90 90

Ferro-alloys

7202 50 00
7202 70 00
7202 91 00
7202 92 00
7202 99 30
7202 99 80

Copper bars, rods and profiles

7407 10 00
7407 21 10
7407 21 90
7407 22 10
7407 22 90
7407 29 00

Copper wire

7408 11 00
7408 19 10
7408 19 90
7408 21 00
7408 22 00
7408 29 00

Copper plates, sheets and strip

7409 11 00
7409 19 00
7409 21 00
7409 29 00
7409 31 00
7409 39 00
7409 40 10
7409 40 90
7409 90 10
7409 90 90

Copper foil (whether or not printed or backed with)

7410 11 00
7410 12 00
7410 21 00
7410 22 00

Copper tubes and pipes

7411 10 11
7411 10 19
7411 10 90
7411 21 10
7411 21 90
7411 22 00
7411 29 10
7411 29 90

CN code 96

Copper tube or pipe fittings

7412 10 00
7412 20 00

Stranded wire, cables, plaited bands and the like

7413 00 91
7413 00 99

Cloth (including endless bands), grill and netting

7414 20 00
7414 90 00

Nails, tacks, drawing pins, staples

7415 10 00
7415 21 00
7415 29 00
7415 31 00
7415 32 00
7415 39 00

Copper springs

7416 00 00

Cooking or heating apparatus

7417 00 00

Table, kitchen or other household articles

7418 11 00
7418 19 00
7418 20 00

Other articles of copper

7419 10 00
7419 91 00
7419 99 00

Aluminium bars, rods and profiles

7604 10 10
7604 10 90
7604 21 00
7604 29 10
7604 29 90

Aluminium wire

7605 11 00
7605 19 00
7605 21 00
7605 29 00

Aluminium plates, sheets and strip

7606 11 10
7606 11 91
7606 11 93
7606 11 99
7606 12 10
7606 12 50
7606 12 91
7606 12 93

CN code 96

7606 12 99
7606 91 00
7606 92 00

Aluminium foil

7607 11 10
7607 11 90
7607 19 10
7607 19 91
7607 19 99
7607 20 10
7607 20 91
7607 20 99

Aluminium tubes and pipes

7608 10 90
7608 20 30
7608 20 91
7608 20 99

Aluminium tube or pipe fittings

7609 00 00

Aluminium structures

7610 10 00
7610 90 10
7610 90 90

Aluminium reservoirs, tanks, vats

7611 00 00

Aluminium casks, drums, cans, boxes

7612 10 00
7612 90 10
7612 90 20
7612 90 91
7612 90 98

Aluminium containers for compressed or liquefied

7613 00 00

Stranded wire, cables, plaited bands and the like

7614 10 00
7614 90 00

Table, kitchen or other household articles

7615 11 00
7615 19 10
7615 19 90
7615 20 00

Other articles of aluminium

7616 10 00
7616 91 00
7616 99 10
7616 99 90

CN code 96

Unwrought lead

7801 10 00
7801 91 00
7801 99 91
7801 99 99

Tungsten (wolfram) and articles thereof, including waste

8101 10 00
8101 91 10

Molybdenum and articles thereof, including waste

8102 10 00
8102 91 10
8102 93 00

Magnesium and articles thereof, including waste

8104 11 00
8104 19 00

Cadmium and articles thereof, including waste

8107 10 10

Titanium and articles thereof, including waste

8108 10 10
8108 10 90
8108 90 30
8108 90 50
8108 90 70
8108 90 90

Zirconium and articles thereof, including waste

8109 10 10
8109 90 00

Antimony and articles thereof, including waste

8110 00 11
8110 00 19

Beryllium, chromium, germanium, vanadium, gallium

8112 20 31
8112 30 20
8112 30 90
8112 91 10
8112 91 31
8112 99 30

Cermets and articles thereof, including waste

8113 00 20
8113 00 40

Nuclear reactors; fuel elements (cartridges)

8401 10 00
8401 20 00
8401 30 00
8401 40 10
8401 40 90

Hydraulic turbines, water wheels, and regulators

8410 11 00
8410 12 00

CN code 96

8410 13 00
8410 90 10
8410 90 90

Turbo-jets, turbo-propellers and other gas turbines

8411 11 90
8411 12 90
8411 21 90
8411 22 90
8411 81 90
8411 82 91
8411 82 93
8411 82 99
8411 91 90
8411 99 90

Air or vacuum pumps, air or other gas compressors

8414 10 30
8414 10 50
8414 10 90
8414 20 91
8414 20 99
8414 30 30
8414 30 91
8414 30 99
8414 40 10
8414 40 90
8414 51 90
8414 59 30
8414 59 50
8414 59 90
8414 60 00
8414 80 21
8414 80 29
8414 80 31
8414 80 39
8414 80 41
8414 80 49
8414 80 60
8414 80 71
8414 80 79
8414 80 90
8414 90 90

Fork-lift trucks; other works trucks

8427 10 10
8427 10 90
8427 20 11
8427 20 19
8427 20 90
8427 90 00

Sewing machines, other than book-sewing machines

8452 10 11
8452 10 19
8452 10 90
8452 21 00
8452 29 00
8452 30 10
8452 30 90
8452 40 00
8452 90 00

CN code 96

Electro-mechanical domestic appliances

8509 10 10
 8509 10 90
 8509 20 00
 8509 30 00
 8509 40 00
 8509 80 00
 8509 90 10
 8509 90 90

Electric instantaneous or storage water heaters

8516 29 91
 8516 31 10
 8516 31 90
 8516 40 10
 8516 40 90
 8516 50 00
 8516 60 70
 8516 71 00
 8516 72 00
 8516 79 80

Turntables (record-decks), record-players, cassette-players

8519 10 00
 8519 21 00
 8519 29 00
 8519 31 00
 8519 39 00
 8519 40 00
 8519 93 31
 8519 93 39
 8519 93 81
 8519 93 89
 8519 99 12
 8519 99 18
 8519 99 90

Magnetic tape recorders and other sound recording

8520 10 00
 8520 32 19
 8520 32 50
 8520 32 91
 8520 32 99
 8520 33 19
 8520 33 90
 8520 39 10
 8520 39 90
 8520 90 90

Video recording or reproducing apparatus

8521 10 30
 8521 10 80
 8521 90 00

Parts and accessories

8522 10 00
 8522 90 30
 8522 90 91
 8522 90 98

Prepared unrecorded media for sound recording

8523 30 00

CN code 96

Records, tapes and other recorded media

8524 10 00
 8524 32 00
 8524 39 00
 8524 51 00
 8524 52 00
 8524 53 00
 8524 60 00
 8524 99 00

Reception apparatus for radio-telephony

8527 12 10
 8527 12 90
 8527 13 10
 8527 13 91
 8527 13 99
 8527 21 20
 8527 21 52
 8527 21 59
 8527 21 70
 8527 21 92
 8527 21 98
 8527 29 00
 8527 31 11
 8527 31 19
 8527 31 91
 8527 31 93
 8527 31 98
 8527 32 90
 8527 39 10
 8527 39 91
 8527 39 99
 8527 90 91
 8527 90 99

Reception apparatus for television

8528 12 14
 8528 12 16
 8528 12 18
 8528 12 22
 8528 12 28
 8528 12 52
 8528 12 54
 8528 12 56
 8528 12 58
 8528 12 62
 8528 12 66
 8528 12 72
 8528 12 76
 8528 12 81
 8528 12 89
 8528 12 91
 8528 12 98
 8528 13 00
 8528 21 14
 8528 21 16
 8528 21 18
 8528 21 90
 8528 22 00
 8528 30 10
 8528 30 90

CN code 96

Parts suitable for use solely or principally with

8529 10 20
8529 10 31
8529 10 39
8529 10 40
8529 10 50
8529 10 70
8529 10 90
8529 90 51
8529 90 59
8529 90 70
8529 90 81
8529 90 89

Electric sound or visual signalling apparatus

8531 10 20
8531 10 30
8531 10 80
8531 80 90
8531 90 90

Thermionic, cold cathode or photocathode valves

8540 11 11
8540 11 13
8540 11 15
8540 11 19
8540 11 91
8540 11 99
8540 12 00
8540 20 10
8540 20 30
8540 20 90
8540 40 00
8540 50 00
8540 60 00
8540 71 00
8540 72 00
8540 79 00
8540 81 00
8540 89 11
8540 89 19
8540 89 90
8540 91 00
8540 99 00

Electronic integrated circuits and microassemblies

8542 14 25

Insulated (including enamelled or anodised) wire

8544 11 10
8544 11 90
8544 19 10
8544 19 90
8544 20 00
8544 30 90
8544 41 10
8544 41 90
8544 49 20
8544 49 80
8544 51 00
8544 59 10
8544 59 20
8544 59 80
8544 60 10

CN code 96

8544 60 90
8544 70 00

Motor vehicles for the transport of ten or more persons

8702 10 91
8702 10 99
8702 90 31
8702 90 39
8702 90 90

Motor vehicles for the transport of goods

8704 10 11
8704 10 19
8704 10 90
8704 21 10
8704 21 91
8704 21 99
8704 22 10
8704 23 10
8704 31 10
8704 31 91
8704 31 99
8704 32 10
8704 90 00

Special purpose motor vehicles

8705 10 00
8705 20 00
8705 30 00
8705 40 00
8705 90 10
8705 90 30
8705 90 90

Works trucks, self-propelled, not fitted with lift

8709 11 10
8709 11 90
8709 19 10
8709 19 90
8709 90 10
8709 90 90

Motor-cycles (including mopeds)

8711 10 00
8711 20 10
8711 20 91
8711 20 93
8711 20 98
8711 30 10
8711 30 90
8711 40 00
8711 50 00
8711 90 00

Bicycles and other cycles

8712 00 10
8712 00 30
8712 00 80

Photocopying apparatus

9009 11 00
9009 12 00
9009 21 00

CN code 9 6

9009 22 10
9009 22 90
9009 30 00
9009 90 10
9009 90 90

Liquid crystal devices

9013 10 00
9013 20 00
9013 80 11
9013 80 19
9013 80 30
9013 80 90
9013 90 10
9013 90 90

Wrist-watches, pocket-watches and other watches

9101 11 00
9101 12 00
9101 19 00
9101 21 00
9101 29 00
9101 91 00
9101 99 00

Wrist-watches, pocket-watches and other watches

9102 11 00
9102 12 00
9102 19 00
9102 21 00
9102 29 00
9102 91 00
9102 99 00

Clocks with watch movements

9103 10 00
9103 90 00

Other clocks

9105 11 00
9105 19 00
9105 21 00
9105 29 00
9105 91 00
9105 99 10
9105 99 90

Pianos, including automatic pianos; harpsichords

9201 10 10
9201 10 90
9201 20 00
9201 90 00

Revolvers and pistols

9302 00 10
9302 00 90

Other firearms and similar devices

9303 10 00
9303 20 30
9303 20 80
9303 30 00
9303 90 00

CN code 9 6

Other arms (for example, spring, air or gas guns)

9304 00 00

Parts and accessories of articles of Nos 9

9305 10 00
9305 21 00
9305 29 10
9305 29 30
9305 29 80
9305 90 90

Bombs, grenades, torpedoes, mines, missiles

9306 10 00
9306 21 00
9306 29 40
9306 29 70
9306 30 10
9306 30 91
9306 30 93
9306 30 98
9306 90 90

Seats (other than those of heading No 9402)

9401 20 00
9401 90 10
9401 90 30
9401 90 80

Other furniture and parts thereof

9403 40 10
9403 40 90
9403 90 10
9403 90 30
9403 90 90

Mattress supports; articles of bedding

9404 10 00
9404 21 10
9404 21 90
9404 29 10
9404 29 90
9404 30 10
9404 30 90
9404 90 10
9404 90 90

Lamps and lighting fittings including searchlights

9405 10 21
9405 10 29
9405 10 30
9405 10 50
9405 10 91
9405 10 99
9405 20 11
9405 20 19
9405 20 30
9405 20 50
9405 20 91
9405 20 99
9405 30 00
9405 40 10
9405 40 31
9405 40 35

CN code 96

9405 40 39
9405 40 91
9405 40 95
9405 40 99
9405 50 00
9405 60 91
9405 60 99
9405 91 11
9405 91 19
9405 91 90
9405 92 90
9405 99 90

Prefabricated buildings

9406 00 10
9406 00 31
9406 00 39
9406 00 90

Other toys; reduced-size ('scale') models

9503 10 10
9503 10 90
9503 20 10
9503 20 90
9503 30 10
9503 30 30
9503 30 90
9503 41 00
9503 49 10

CN code 96

9503 49 30
9503 49 90
9503 50 00
9503 60 10
9503 60 90
9503 70 00
9503 80 10
9503 80 90
9503 90 10
9503 90 32
9503 90 34
9503 90 35
9503 90 37
9503 90 51
9503 90 55
9503 90 99

Brooms, brushes

9603 10 00
9603 21 00
9603 29 10
9603 29 30
9603 29 90
9603 30 10
9603 30 90
9603 40 10
9603 40 90
9603 50 00
9603 90 10
9603 90 91
9603 90 99

Agricultural Products

CN code 96

Live horses, asses, mules and hinnies

0101 19 90
0101 20 90

Other live animals

0106 00 20

Edible offal of bovine animals, swine, sheep, goat

0206 30 21
0206 41 91
0206 80 91
0206 90 91

Meat and edible offal

0207 13 91
0207 14 91
0207 26 91
0207 27 91
0207 35 91
0207 36 89

Other meat and edible meat offal, fresh, chilled

0208 10 11
0208 10 19
0208 90 10
0208 90 50

CN code 96

0208 90 60
0208 90 80

Meat and edible meat offal, salted, in brine, drier

0210 90 10
0210 90 60
0210 90 79
0210 90 80

Birds' eggs, in shell, fresh, preserved or cooked

0407 00 90

Edible products of animal origin, not elsewhere specified

0410 00 00

Bulbs, tubers, tuberous roots, corms, crowns

0601 20 30
0601 20 90

Other live plants (including their roots), cuttings

0602 20 90
0602 30 00
0602 40 10
0602 40 90
0602 90 10

CN code 9 6

0602 90 30
 0602 90 41
 0602 90 45
 0602 90 49
 0602 90 51
 0602 90 59
 0602 90 70
 0602 90 91
 0602 90 99

Foliage, branches and other parts of plants

0604 91 21
 0604 91 29
 0604 91 49
 0604 99 90

Potatoes, fresh or chilled

0701 90 59
 0701 90 90

Onions, shallots, garlic, leeks

0703 20 00

Other vegetables, fresh or chilled

0709 10 40
 0709 51 30
 0709 52 00
 0709 60 99
 0709 90 31
 0709 90 71
 0709 90 73

Vegetables (uncooked or cooked by steaming or boiling)

0710 80 59

Vegetables provisionally preserved

0711 90 10

Dried vegetables, whole, cut, sliced, broken

0712 90 05

Other nuts, fresh or dried, whether or not shelled

0802 12 90

Dates, figs, pineapples, avocados, guavas, mangoes

0804 10 00

Citrus fruit, fresh or dried

0805 40 95

Grapes, fresh or dried

0806 20 91
 0806 20 92
 0806 20 98

CN code 9 6

Apricots, cherries, peaches (including nectarines)

0809 40 10⁽¹²⁾
 0809 40 90

Other fruit, fresh

0810 40 50

Fruit and nuts, uncooked or cooked by steaming

0811 20 19
 0811 20 51
 0811 20 90
 0811 90 31
 0811 90 50
 0811 90 85

Fruit and nuts, provisionally preserved

0812 90 40

Fruit, dried

0813 10 00
 0813 30 00
 0813 40 30
 0813 40 95

Coffee, whether or not roasted or decaffeinated

0901 12 00
 0901 21 00
 0901 22 00
 0901 90 90

Cloves (whole fruit, cloves and stems)

0907 00 00

Ginger, saffron, turmeric (curcuma), thyme, bay leaf

0910 40 13
 0910 40 19
 0910 40 90
 0910 91 90
 0910 99 99

Seeds, fruit and spores, of a kind used for sowing

1209 11 00
 1209 19 00

Locust beans, seaweeds and other algae, sugar beet

1212 92 00

Pig fat (including lard) and poultry fat

1501 00 90

Lard stearin, lard oil, oleostearin, oleo-oil

1503 00 90

Ground-nut oil and its fractions, whether or not refined

1508 10 90
 1508 90 90

CN code 96

Palm oil and its fractions, whether or not refined

1511 90 11
1511 90 19
1511 90 99

Coconut (copra), palm kernel or babassu oil

1513 11 91
1513 11 99
1513 19 11
1513 19 19
1513 19 91
1513 19 99
1513 21 30
1513 21 90
1513 29 11
1513 29 19
1513 29 50
1513 29 91
1513 29 99

Other fixed vegetable fats and oils

1515 19 90
1515 21 90
1515 29 90
1515 50 19
1515 50 99
1515 90 29
1515 90 39
1515 90 51
1515 90 59
1515 90 91
1515 90 99

Animal or vegetable fats and oils

1516 10 10
1516 10 90
1516 20 91
1516 20 96
1516 20 98

Margarine; edible mixtures

1517 10 90
1517 90 91
1517 90 99

Animal or vegetable fats and oils

1518 00 10
1518 00 91
1518 00 99

Sausages and similar products, of meat, meat offal

1601 00 10

Extracts and juices of meat, fish or crustaceans

1603 00 10

Molasses

1703 10 00
1703 90 00

CN code 96

Cocoa paste, whether or not defatted

1803 10 00
1803 20 00

Cocoa butter, fat and oil

1804 00 00

Cocoa powder, not containing added sugar or other

1805 00 00

Vegetables, fruit, nuts and other edible parts

2001 90 60
2001 90 70
2001 90 75
2001 90 85
2001 90 91

Other vegetables prepared or preserved otherwise

2004 90 30

Other vegetables prepared or preserved otherwise

2005 70 10
2005 70 90
2005 90 10
2005 90 30
2005 90 50
2005 90 60
2005 90 70
2005 90 75
2005 90 80

Vegetables, fruit, nuts, fruit-peel and other parts

2006 00 91

Fruit, nuts and other edible parts of plants

2008 11 10
2008 11 92
2008 11 96
2008 19 11
2008 19 13
2008 19 51
2008 19 93
2008 30 71
2008 91 00
2008 92 12
2008 92 14
2008 92 32
2008 92 34
2008 92 36
2008 92 38
2008 99 11
2008 99 19
2008 99 38
2008 99 40
2008 99 47

Fruit juices (including grape must)

2009 80 36
2009 80 38
2009 80 88

CN code 96

2009 80 89
2009 80 95
2009 80 96

Yeasts (active or inactive)

2102 30 00

Sauces and preparations therefor

2103 10 00
2103 30 90
2103 90 90

Soups and broths and preparations therefor

2104 10 10
2104 10 90
2104 20 00

Food preparations not elsewhere specified

2106 90 92

Waters, including mineral waters and aerated water

2202 10 00
2202 90 10

Other fermented beverages (for example, cider)

2206 00 31
2206 00 39
2206 00 51
2206 00 59
2206 00 81
2206 00 89

Undenatured ethyl alcohol of an alcoholic strength

2208 50 11
2208 50 19
2208 50 91
2208 50 99
2208 60 11
2208 60 91
2208 60 99
2208 70 10
2208 70 90
2208 90 11
2208 90 19

CN code 96

2208 90 57
2208 90 69
2208 90 74
2208 90 78

Preparations of a kind used in animal feeding

2309 10 90
2309 90 91
2309 90 93
2309 90 98

Unmanufactured tobacco; tobacco refuse

2401 10 30
2401 10 50
2401 10 70
2401 10 80
2401 10 90
2401 20 30
2401 20 49
2401 20 50
2401 20 80
2401 20 90
2401 30 00

Cigars, cheroots, cigarillos and cigarettes

2402 10 00
2402 20 10
2402 20 90
2402 90 00

Other manufactured tobacco and manufactured tobacco

2403 10 10
2403 10 90
2403 91 00
2403 99 10
2403 99 90

Casein, caseinates and other casein derivatives

3501 10 90
3501 90 10
3501 90 90

Albumins

3502 90 70

Industrial monocarboxylic fatty acids; acid oils

3823 12 00
3823 70 00

Annex 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 COOPERATION BETWEEN THE EUROPEAN COMMUNITY AND THE
REPUBLIC OF SOUTH AFRICA**

Industrial Products (1)

CN code 96

CN code 96

Woven fabrics of cotton, containing 85 % or more

5208 11 10

5208 11 90

5208 12 11

5208 12 13

5208 12 15

5208 12 19

5208 12 91

5208 12 93

5208 12 95

5208 12 99

5208 13 00

5208 19 00

5208 21 10

5208 21 90

5208 22 11

5208 22 13

5208 22 15

5208 22 19

5208 22 91

5208 22 93

5208 22 95

5208 22 99

5208 23 00

5208 29 00

5208 31 00

5208 32 11

5208 32 13

5208 32 15

5208 32 19

5208 32 91

5208 32 93

5208 32 95

5208 32 99

5208 33 00

5208 39 00

5208 41 00

5208 42 00

5208 43 00

5208 49 00

5208 51 00

5208 52 10

5208 52 90

5208 53 00

5208 59 00

5209 39 00

5209 41 00

5209 42 00

5209 43 00

5209 49 10

5209 49 90

5209 51 00

5209 52 00

5209 59 00

Woven fabrics of cotton, containing less than 85 %

5210 11 10

5210 11 90

5210 12 00

5210 19 00

5210 21 10

5210 21 90

5210 22 00

5210 29 00

5210 31 10

5210 31 90

5210 32 00

5210 39 00

5210 41 00

5210 42 00

5210 49 00

5210 51 00

5210 52 00

5210 59 00

Woven fabrics of cotton, containing less than 85 %

5211 11 00

5211 12 00

5211 19 00

5211 21 00

5211 22 00

5211 29 00

5211 31 00

5211 32 00

5211 39 00

5211 41 00

5211 42 00

5211 43 00

5211 49 10

5211 49 90

5211 51 00

5211 52 00

5211 59 00

Woven fabrics of cotton, containing 85 % or more

5209 11 00

5209 12 00

5209 19 00

5209 21 00

5209 22 00

5209 29 00

5209 31 00

5209 32 00

Other woven fabrics of cotton

5212 11 10

5212 11 90

5212 12 10

5212 12 90

CN code 9 6

5212 13 10
 5212 13 90
 5212 14 10
 5212 14 90
 5212 15 10
 5212 15 90
 5212 21 10
 5212 21 90
 5212 22 10
 5212 22 90
 5212 23 10
 5212 23 90
 5212 24 10
 5212 24 90
 5212 25 10
 5212 25 90

Woven fabrics of synthetic staple fibres

5512 11 00
 5512 19 10
 5512 19 90
 5512 21 00
 5512 29 10
 5512 29 90
 5512 91 00
 5512 99 10
 5512 99 90

Woven fabrics of synthetic staple fibres

5513 11 10
 5513 11 30
 5513 11 90
 5513 12 00
 5513 13 00
 5513 19 00
 5513 21 10
 5513 21 30
 5513 21 90
 5513 22 00
 5513 23 00
 5513 29 00
 5513 31 00
 5513 32 00
 5513 33 00
 5513 39 00
 5513 41 00
 5513 42 00
 5513 43 00
 5513 49 00

Woven fabrics of synthetic staple fibres

5514 11 00
 5514 12 00
 5514 13 00
 5514 19 00
 5514 21 00
 5514 22 00
 5514 23 00
 5514 29 00
 5514 31 00
 5514 32 00
 5514 33 00
 5514 39 00
 5514 41 00
 5514 42 00
 5514 43 00
 5514 49 00

CN code 9 6

Other woven fabrics of synthetic staple fibres

5515 11 10
 5515 11 30
 5515 11 90
 5515 12 10
 5515 12 30
 5515 12 90
 5515 13 11
 5515 13 19
 5515 13 91
 5515 13 99
 5515 19 10
 5515 19 30
 5515 19 90
 5515 21 10
 5515 21 30
 5515 21 90
 5515 22 11
 5515 22 19
 5515 22 91
 5515 22 99
 5515 29 10
 5515 29 30
 5515 29 90
 5515 91 10
 5515 91 30
 5515 91 90
 5515 92 11
 5515 92 19
 5515 92 91
 5515 92 99
 5515 99 10
 5515 99 30
 5515 99 90

Woven fabrics of artificial staple fibres

5516 11 00
 5516 12 00
 5516 13 00
 5516 14 00
 5516 21 00
 5516 22 00
 5516 23 10
 5516 23 90
 5516 24 00
 5516 31 00
 5516 32 00
 5516 33 00
 5516 34 00
 5516 41 00
 5516 42 00
 5516 43 00
 5516 44 00
 5516 91 00
 5516 92 00
 5516 93 00
 5516 94 00

Twine, cordage, ropes and cables

5607 10 00
 5607 21 00
 5607 29 10
 5607 29 90
 5607 30 00
 5607 41 00
 5607 49 11
 5607 49 19

CN code 96

5607 49 90
 5607 50 11
 5607 50 19
 5607 50 30
 5607 50 90
 5607 90 00

Knotted netting of twine, cordage or rope

5608 11 11
 5608 11 19
 5608 11 91
 5608 11 99
 5608 19 11
 5608 19 19
 5608 19 31
 5608 19 39
 5608 19 91
 5608 19 99
 5608 90 00

Carpets and other textile floor coverings, woven

5702 10 00
 5702 20 00
 5702 31 10
 5702 31 30
 5702 31 90
 5702 32 10
 5702 32 90
 5702 39 10
 5702 39 90
 5702 41 10
 5702 41 90
 5702 42 10
 5702 42 90
 5702 49 10
 5702 49 90
 5702 51 00
 5702 52 00
 5702 59 00
 5702 91 00
 5702 92 00
 5702 99 00

Carpets and other textile floor coverings, tufted

5703 10 10
 5703 10 90
 5703 20 11
 5703 20 19
 5703 20 91
 5703 20 99
 5703 30 11
 5703 30 19
 5703 30 51
 5703 30 59
 5703 30 91
 5703 30 99
 5703 90 10
 5703 90 90

Carpets and other textile floor coverings, of felt

5704 10 00
 5704 90 00

CN code 96

Other carpets and other textile floor coverings

5705 00 10
 5705 00 31
 5705 00 39
 5705 00 90

Other knitted or crocheted fabrics

6002 10 10
 6002 10 90
 6002 20 10
 6002 20 31
 6002 20 39
 6002 20 50
 6002 20 70
 6002 20 90
 6002 30 10
 6002 30 90
 6002 41 00
 6002 42 10
 6002 42 30
 6002 42 50
 6002 42 90
 6002 43 11
 6002 43 19
 6002 43 31
 6002 43 33
 6002 43 35
 6002 43 39
 6002 43 50
 6002 43 91
 6002 43 93
 6002 43 95
 6002 43 99
 6002 49 00
 6002 91 00
 6002 92 10
 6002 92 30
 6002 92 50
 6002 92 90
 6002 93 10
 6002 93 31
 6002 93 33
 6002 93 35
 6002 93 39
 6002 93 91
 6002 93 99
 6002 99 00

Men's or boys' suits, ensembles, jackets, blazers

6103 11 00
 6103 12 00
 6103 19 00
 6103 21 00
 6103 22 00
 6103 23 00
 6103 29 00
 6103 31 00
 6103 32 00
 6103 33 00
 6103 39 00

Women's or girls' suits, ensembles, jackets, blazers

6104 11 00
 6104 12 00
 6104 13 00
 6104 19 00

CN code 96

6104 21 00
 6104 22 00
 6104 23 00
 6104 29 00
 6104 31 00
 6104 32 00
 6104 33 00
 6104 39 00
 6104 41 00
 6104 42 00
 6104 43 00
 6104 44 00
 6104 49 00

Men's or boys' shirts, knitted or crocheted

6105 10 00
 6105 20 10
 6105 20 90
 6105 90 10
 6105 90 90

Women's or girls' blouses, shirts and shirt-blouses

6106 10 00
 6106 20 00
 6106 90 10
 6106 90 30
 6106 90 50
 6106 90 90

T-shirts, singlets and other vests, knitted or crocheted

6109 90 90

Jerseys, pullovers, cardigans, waistcoats and similar

6110 10 10
 6110 10 31
 6110 10 35
 6110 10 38
 6110 10 91
 6110 10 95
 6110 10 98
 6110 20 10
 6110 20 91
 6110 20 99
 6110 30 10
 6110 30 91
 6110 30 99
 6110 90 10
 6110 90 90

Babies' garments and clothing accessories, knitted

6111 10 10
 6111 10 90
 6111 20 10
 6111 20 90
 6111 30 10
 6111 30 90
 6111 90 00

Men's or boys' suits, ensembles, jackets, blazers

6203 11 00
 6203 12 00
 6203 19 10

CN code 96

6203 19 30
 6203 19 90
 6203 21 00
 6203 22 10
 6203 22 80
 6203 23 10
 6203 23 80
 6203 29 11
 6203 29 18
 6203 29 90
 6203 31 00
 6203 32 10
 6203 32 90
 6203 33 10
 6203 33 90
 6203 39 11
 6203 39 19
 6203 39 90

Women's or girls' suits, ensembles, jackets, blazers

6204 11 00
 6204 12 00
 6204 13 00
 6204 19 10
 6204 19 90
 6204 21 00
 6204 22 10
 6204 22 80
 6204 23 10
 6204 23 80
 6204 29 11
 6204 29 18
 6204 29 90
 6204 31 00
 6204 32 10
 6204 32 90
 6204 33 10
 6204 33 90
 6204 39 11
 6204 39 19
 6204 39 90
 6204 41 00
 6204 42 00
 6204 43 00
 6204 44 00
 6204 49 10
 6204 49 90

Women's or girls' blouses, shirts and shirt-blouses

6206 10 00
 6206 20 00
 6206 30 00
 6206 40 00
 6206 90 10
 6206 90 90

Babies' garments and clothing accessories

6209 10 00
 6209 20 00
 6209 30 00
 6209 90 00

CN code 96

Garments, made up of fabrics of heading No 5602, 5

6210 10 10
 6210 10 91
 6210 10 99
 6210 20 00
 6210 30 00
 6210 40 00
 6210 50 00

Track suits, ski suits and swimwear; other garments

6211 11 00
 6211 12 00
 6211 20 00
 6211 31 00
 6211 32 10
 6211 32 31
 6211 32 41
 6211 32 42
 6211 32 90
 6211 33 10
 6211 33 31
 6211 33 41
 6211 33 42
 6211 33 90
 6211 39 00
 6211 41 00
 6211 42 10
 6211 42 31
 6211 42 41
 6211 42 42
 6211 42 90
 6211 43 10
 6211 43 31
 6211 43 41
 6211 43 42
 6211 43 90
 6211 49 00

Bed linen, table linen, toilet linen and kitchen linen

6302 10 10
 6302 10 90
 6302 21 00

CN code 96

6302 22 10
 6302 22 90
 6302 29 10
 6302 29 90
 6302 31 10
 6302 31 90
 6302 32 10
 6302 32 90
 6302 39 10
 6302 39 30
 6302 39 90
 6302 40 00
 6302 51 10
 6302 51 90
 6302 52 00
 6302 53 10
 6302 53 90
 6302 59 00
 6302 60 00
 6302 91 10
 6302 91 90
 6302 92 00
 6302 93 10
 6302 93 90
 6302 99 00

Curtains (including drapes) and interior blinds

6303 11 00
 6303 12 00
 6303 19 00
 6303 91 00
 6303 92 10
 6303 92 90
 6303 99 10
 6303 99 90

Other furnishing articles

6304 11 00
 6304 19 10
 6304 19 30
 6304 19 90
 6304 91 00
 6304 92 00
 6304 93 00
 6304 99 00

Industrial Products (2)

CN code 96

Hydrogen, rare gases and other non-metals

2804 69 00

Colloidal precious metals; inorganic or organic

2843 10 90
 2843 30 00
 2843 90 90

Oxygen-function amino-compounds

2922 41 00

CN code 96

Pig iron and spiegeleisen in pigs, blocks or other

7201 10 11
 7201 10 19
 7201 10 30
 7201 20 00
 7201 50 90

Ferro-alloys

7202 11 20
 7202 11 80
 7202 19 00
 7202 21 10
 7202 21 90
 7202 29 00

CN code 96

7202 30 00
 7202 41 10
 7202 41 91
 7202 41 99
 7202 49 10
 7202 49 50
 7202 49 90

Ferrous products obtained by direct reduction

7203 90 00

Ferrous waste and scrap; remelting scrap ingots

7204 50 90

Iron and non-alloy steel in ingots or other

7206 10 00
 7206 90 00

Semi-finished products of iron or non-alloy steel

7207 11 11
 7207 11 14
 7207 11 16
 7207 12 10
 7207 19 11
 7207 19 14
 7207 19 16
 7207 19 31
 7207 20 11
 7207 20 15
 7207 20 17
 7207 20 32
 7207 20 51
 7207 20 55
 7207 20 57
 7207 20 71

Flat-rolled products of iron or non-alloy steel

7208 10 00
 7208 25 00
 7208 26 00
 7208 27 00
 7208 36 00
 7208 37 10
 7208 37 90
 7208 38 10
 7208 38 90
 7208 39 10
 7208 39 90
 7208 40 10
 7208 40 90
 7208 51 10
 7208 51 30
 7208 51 50
 7208 51 91
 7208 51 99
 7208 52 10
 7208 52 91
 7208 52 99
 7208 53 10
 7208 53 90
 7208 54 10
 7208 54 90
 7208 90 10

CN code 96

Flat-rolled products of iron or non-alloy steel

7209 15 00
 7209 16 10
 7209 16 90
 7209 17 10
 7209 17 90
 7209 18 10
 7209 18 91
 7209 18 99
 7209 25 00
 7209 26 10
 7209 26 90
 7209 27 10
 7209 27 90
 7209 28 10
 7209 28 90
 7209 90 10

Flat-rolled products of iron or non-alloy steel

7210 11 10
 7210 12 11
 7210 12 19
 7210 20 10
 7210 30 10
 7210 41 10
 7210 49 10
 7210 50 10
 7210 61 10
 7210 69 10
 7210 70 31
 7210 70 39
 7210 90 31
 7210 90 33
 7210 90 38

Flat-rolled products of iron or non-alloy steel

7211 13 00
 7211 14 10
 7211 14 90
 7211 19 20
 7211 19 90
 7211 23 10
 7211 23 51
 7211 29 20
 7211 90 11

Flat-rolled products of iron or non-alloy steel

7212 10 10
 7212 10 91
 7212 20 11
 7212 30 11
 7212 40 10
 7212 40 91
 7212 50 31
 7212 50 51
 7212 60 11
 7212 60 91

Bars and rods, hot-rolled

7213 10 00
 7213 20 00
 7213 91 10
 7213 91 20
 7213 91 41
 7213 91 49
 7213 91 70

CN code 96

7213 91 90
7213 99 10
7213 99 90

Other bars and rods of iron or non-alloy steel

7214 20 00
7214 30 00
7214 91 10
7214 91 90
7214 99 10
7214 99 31
7214 99 39
7214 99 50
7214 99 61
7214 99 69
7214 99 80
7214 99 90

Other bars and rods of iron or non-alloy steel

7215 90 10

Angles, shapes and sections of iron or non-alloy steel

7216 10 00
7216 21 00
7216 22 00
7216 31 11
7216 31 19
7216 31 91
7216 31 99
7216 32 11
7216 32 19
7216 32 91
7216 32 99
7216 33 10
7216 33 90
7216 40 10
7216 40 90
7216 50 10
7216 50 91
7216 50 99
7216 99 10

Stainless steel in ingots or other primary forms

7218 10 00
7218 91 11
7218 91 19
7218 99 11
7218 99 20

Flat-rolled products of stainless steel

7219 11 00
7219 12 10
7219 12 90
7219 13 10
7219 13 90
7219 14 10
7219 14 90
7219 21 10
7219 21 90
7219 22 10
7219 22 90
7219 23 00
7219 24 00

CN code 96

7219 31 00
7219 32 10
7219 32 90
7219 33 10
7219 33 90
7219 34 10
7219 34 90
7219 35 10
7219 35 90
7219 90 10

Flat-rolled products of stainless steel

7220 11 00
7220 12 00
7220 20 10
7220 90 11
7220 90 31

Bars and rods, hot-rolled

7221 00 10
7221 00 90

Other bars and rods of stainless steel

7222 11 11
7222 11 19
7222 11 21
7222 11 29
7222 11 91
7222 11 99
7222 19 10
7222 19 90
7222 30 10
7222 40 10
7222 40 30

Other alloy steel in ingots or other primary forms

7224 10 00
7224 90 01
7224 90 05
7224 90 08
7224 90 15
7224 90 31
7224 90 39

Flat-rolled products of other alloy steel

7225 11 00
7225 19 10
7225 19 90
7225 20 20
7225 30 00
7225 40 20
7225 40 50
7225 40 80
7225 50 00
7225 91 10
7225 92 10
7225 99 10

Flat-rolled products of other alloy steel

7226 11 10
7226 19 10
7226 19 30
7226 20 20
7226 91 10

CN code 96

7226 91 90
7226 92 10
7226 93 20
7226 94 20
7226 99 20

Bars and rods, hot-rolled

7227 10 00
7227 20 00
7227 90 10
7227 90 50
7227 90 95

Other bars and rods of other alloy steel

7228 10 10
7228 10 30
7228 20 11
7228 20 19
7228 20 30
7228 30 20
7228 30 41
7228 30 49
7228 30 61
7228 30 69
7228 30 70
7228 30 89
7228 60 10
7228 70 10
7228 70 31
7228 80 10
7228 80 90

Sheet piling of iron or steel

7301 10 00

Railway or tramway track construction material

7302 10 31
7302 10 39
7302 10 90
7302 20 00
7302 40 10
7302 90 10

Tubes, pipes and hollow profiles, of cast iron

7303 00 10
7303 00 90

Tube or pipe fittings (for example couplings)

7307 11 10
7307 11 90
7307 19 10
7307 19 90
7307 21 00
7307 22 10
7307 22 90
7307 23 10
7307 23 90
7307 29 10
7307 29 30
7307 29 90
7307 91 00
7307 92 10
7307 92 90
7307 93 11

CN code 96

7307 93 19
7307 93 91
7307 93 99
7307 99 10
7307 99 30
7307 99 90

Reservoirs, tanks, vats and similar containers

7309 00 10
7309 00 30
7309 00 51
7309 00 59
7309 00 90

Tanks, casks, drums, cans, boxes and similar containers

7310 10 00
7310 21 10
7310 21 91
7310 21 99
7310 29 10
7310 29 90

Containers for compressed or liquefied gas

7311 00 10
7311 00 91
7311 00 99

Stranded wire, ropes, cables, plaited bands

7312 10 30
7312 10 51
7312 10 59
7312 10 71
7312 10 75
7312 10 79
7312 10 82
7312 10 84
7312 10 86
7312 10 88
7312 10 99
7312 90 90

Barbed wire of iron or steel

7313 00 00

Chain and parts thereof, of iron or steel

7315 11 10
7315 11 90
7315 12 00
7315 19 00
7315 20 00
7315 81 00
7315 82 10
7315 82 90
7315 89 00
7315 90 00

Screws, bolts, nuts, coach screws, screw hooks

7318 11 00
7318 12 10
7318 12 90
7318 13 00

CN code 96

7318 14 10
 7318 14 91
 7318 14 99
 7318 15 10
 7318 15 20
 7318 15 30
 7318 15 41
 7318 15 49
 7318 15 51
 7318 15 59
 7318 15 61
 7318 15 69
 7318 15 70
 7318 15 81
 7318 15 89
 7318 15 90
 7318 16 10
 7318 16 30
 7318 16 50
 7318 16 91
 7318 16 99
 7318 19 00
 7318 21 00
 7318 22 00
 7318 23 00
 7318 24 00
 7318 29 00

Sewing needles, knitting needles, bodkins, crochets

7319 10 00
 7319 20 00
 7319 30 00
 7319 90 00

Springs and leaves for springs, of iron or steel

7320 10 11
 7320 10 19
 7320 10 90
 7320 20 20
 7320 20 81
 7320 20 85
 7320 20 89
 7320 90 10
 7320 90 30
 7320 90 90

Stoves, ranges, grates, cookers

7321 11 10
 7321 11 90
 7321 12 00
 7321 13 00
 7321 81 10
 7321 81 90
 7321 82 10
 7321 82 90
 7321 83 00
 7321 90 00

Radiators for central heating

7322 11 00
 7322 19 00
 7322 90 90

CN code 96

Table, kitchen or other household articles

7323 10 00
 7323 91 00
 7323 92 00
 7323 93 10
 7323 93 90
 7323 94 10
 7323 94 90
 7323 99 10
 7323 99 91
 7323 99 99

Sanitary ware and parts thereof, of iron or steel

7324 10 90
 7324 21 00
 7324 29 00
 7324 90 90

Other cast articles of iron or steel

7325 10 20
 7325 10 50
 7325 10 91
 7325 10 99
 7325 91 00
 7325 99 10
 7325 99 91
 7325 99 99

Other articles of iron or steel

7326 11 00
 7326 19 10
 7326 19 90
 7326 20 30
 7326 20 50
 7326 20 90
 7326 90 10
 7326 90 30
 7326 90 40
 7326 90 50
 7326 90 60
 7326 90 70
 7326 90 80
 7326 90 91
 7326 90 93
 7326 90 95
 7326 90 97

Unwrought zinc

7901 11 00
 7901 12 10
 7901 12 30
 7901 12 90
 7901 20 00

Zinc dust, powders and flakes

7903 10 00
 7903 90 00

Motor vehicles for the transport of ten or more persons

8702 10 11
 8702 10 19

CN code 96

8702 90 11
8702 90 19

Motor vehicles for the transport of goods

8704 21 31
8704 21 39

CN code 96

8704 22 91
8704 22 99
8704 23 91
8704 23 99
8704 31 31
8704 31 39
8704 32 91
8704 32 99

Annex XIII to Protocol 1

PRODUCTS TO WHICH ARTICLE 6(3) SHALL NOT BE APPLICABLE

Industrial Products (1)

CN code 96

Motor cars and other motor vehicles

8703 10 10
 8703 10 90
 8703 21 10
 8703 21 90
 8703 22 11
 8703 22 19
 8703 22 90
 8703 23 11
 8703 23 19
 8703 23 90
 8703 24 10
 8703 24 90
 8703 31 10
 8703 31 90
 8703 32 11
 8703 32 19
 8703 32 90
 8703 33 11
 8703 33 19
 8703 33 90
 8703 90 10
 8703 90 90

Chassis fitted with engines

8706 00 11
 8706 00 19
 8706 00 91
 8706 00 99

Bodies (including cabs), for the motor vehicles

8707 10 10
 8707 10 90
 8707 90 10
 8707 90 90

CN code 96

Parts and accessories of the motor vehicles

8708 10 10
 8708 10 90
 8708 21 10
 8708 21 90
 8708 29 10
 8708 29 90
 8708 31 10
 8708 31 91
 8708 31 99
 8708 39 10
 8708 39 90
 8708 40 10
 8708 40 90
 8708 50 10
 8708 50 90
 8708 60 10
 8708 60 91
 8708 60 99
 8708 70 10
 8708 70 50
 8708 70 91
 8708 70 99
 8708 80 10
 8708 80 90
 8708 91 10
 8708 91 90
 8708 92 10
 8708 92 90
 8708 93 10
 8708 93 90
 8708 94 10
 8708 94 90
 8708 99 10
 8708 99 30
 8708 99 50
 8708 99 92
 8708 99 98

Industrial Products (2)

CN code 96

Unwrought aluminium

7601 10 00
 7601 20 10
 7601 20 91
 7601 20 99

CN code 96

Aluminium powders and flakes

7603 10 00
 7603 20 00

Agricultural Products (1)

CN code 9 6

Live horses, asses, mules and hinnies

0101 20 10

Milk and cream, not concentrated

0401 10 10
 0401 10 90
 0401 20 11
 0401 20 19
 0401 20 91
 0401 20 99
 0401 30 11
 0401 30 19
 0401 30 31
 0401 30 39
 0401 30 91
 0401 30 99

Buttermilk, curdled milk and cream, yogurt, kephir

0403 10 11
 0403 10 13
 0403 10 19
 0403 10 31
 0403 10 33
 0403 10 39

Potatoes, fresh or chilled

0701 90 51

Leguminous vegetables, shelled or unshelled, fresh or chilled

0708 10 20
 0708 10 95

Other vegetables, fresh or chilled

0709 51 90
 0709 60 10

Vegetables (uncooked or cooked by steaming or boiled)

0710 80 95

Vegetables provisionally preserved

0711 10 00
 0711 30 00
 0711 90 60
 0711 90 70

Dates, figs, pineapples, avocados, guavas, mangoes

0804 20 90
 0804 30 00
 0804 40 20
 0804 40 90
 0804 40 95

Grapes, fresh or dried

0806 10 29 ⁽³⁾ ⁽¹²⁾
 0806 20 11

CN code 9 6

0806 20 12
 0806 20 18

Melons (including watermelons) and papaws (papayas)

0807 11 00
 0807 19 00

Apricots, cherries, peaches (including nectarines)

0809 30 11 ⁽⁵⁾ ⁽¹²⁾
 0809 30 51 ⁽⁶⁾ ⁽¹²⁾

Other fruit, fresh

0810 90 40
 0810 90 85

Fruit and nuts, provisionally preserved

0812 10 00
 0812 20 00
 0812 90 50
 0812 90 60
 0812 90 70
 0812 90 95

Fruit, dried

0813 40 10
 0813 50 15
 0813 50 19
 0813 50 39
 0813 50 91
 0813 50 99

Pepper of the genus Piper; dried or crushed

0904 20 10

Soya-bean oil and its fractions

1507 10 10
 1507 10 90
 1507 90 10
 1507 90 90

Sunflower-seed, safflower or cotton-seed oil

1512 11 10
 1512 11 91
 1512 11 99
 1512 19 10
 1512 19 91
 1512 19 99
 1512 21 10
 1512 21 90
 1512 29 10
 1512 29 90

CN code 96

Rape, colza or mustard oil and fractions thereof

1514 10 10
1514 10 90
1514 90 10
1514 90 90

Fruit, nuts and other edible parts of plants

2008 19 59

Fruit juices (including grape must)

2009 20 99

CN code 96

2009 40 99

2009 80 99

Unmanufactured tobacco; tobacco refuse

2401 10 10
2401 10 20
2401 10 41
2401 10 49
2401 10 60
2401 20 10
2401 20 20
2401 20 41
2401 20 60
2401 20 70

Agricultural Products (2)

CN code 96 *

Cut flowers and flower buds

0603 10 55
0603 10 61
0603 10 69 ⁽¹¹⁾

Onions, shallots, garlic, leeks

0703 10 11
0703 10 19
0703 10 90
0703 90 00

Cabbages, cauliflowers, kohlrabi, kale and similar

0704 10 05
0704 10 10
0704 10 80
0704 20 00
0704 90 10
0704 90 90

Lettuce (*Lactuca sativa*) and chicory

0705 11 05
0705 11 10
0705 11 80
0705 19 00
0705 21 00
0705 29 00

Carrots, turnips, salad beetroot, salsify, celeriac

0706 10 00
0706 90 05
0706 90 11
0706 90 17
0706 90 30
0706 90 90

Leguminous vegetables, shelled or unshelled, fresh or chilled

0708 10 90
0708 20 20
0708 20 90
0708 20 95
0708 90 00

CN code 96

Other vegetables, fresh or chilled

0709 10 30 ⁽¹²⁾
0709 30 00
0709 40 00
0709 51 10
0709 51 50
0709 70 00
0709 90 10
0709 90 20
0709 90 40
0709 90 50
0709 90 90

Vegetables (uncooked or cooked by steaming or boiled)

0710 10 00
0710 21 00
0710 22 00
0710 29 00
0710 30 00
0710 80 10
0710 80 51
0710 80 61
0710 80 69
0710 80 70
0710 80 80
0710 80 85
0710 90 00

Vegetables provisionally preserved

0711 20 10
0711 40 00
0711 90 40
0711 90 90

Dried vegetables, whole, cut, sliced, broken

0712 20 00
0712 30 00
0712 90 30
0712 90 50
0712 90 90

Manioc, arrowroot, salep, Jerusalem artichokes

0714 90 11
0714 90 19

CN code 9 6

Other nuts, fresh or dried, whether or not shelled

0802 11 90
0802 21 00
0802 22 00
0802 40 00

Bananas, including plantains, fresh or dried

0803 00 11
0803 00 90

Dates, figs, pineapples, avocados, guavas, mangoes

0804 20 10

Citrus fruit, fresh or dried

0805 20 21 ⁽¹⁾ ⁽¹²⁾
0805 20 23 ⁽¹⁾ ⁽¹²⁾
0805 20 25 ⁽¹⁾ ⁽¹²⁾
0805 20 27 ⁽¹⁾ ⁽¹²⁾
0805 20 29 ⁽¹⁾ ⁽¹²⁾
0805 30 90
0805 90 00

Grapes, fresh or dried

0806 10 95
0806 10 97

Apples, pears and quinces, fresh

0808 10 10 ⁽¹²⁾
0808 20 10 ⁽¹²⁾
0808 20 90

Apricots, cherries, peaches (including nectarines)

0809 10 10 ⁽¹²⁾
0809 10 50 ⁽¹²⁾
0809 20 19 ⁽¹²⁾
0809 20 29 ⁽¹²⁾
0809 30 11 ⁽⁷⁾ ⁽¹²⁾
0809 30 19 ⁽¹²⁾
0809 30 51 ⁽⁸⁾ ⁽¹²⁾
0809 30 59 ⁽¹²⁾
0809 40 40 ⁽¹²⁾

Other fruit, fresh

0810 10 05
0810 20 90
0810 30 10
0810 30 30
0810 30 90
0810 40 90
0810 50 00

Fruit and nuts, uncooked or cooked by steaming

0811 20 11
0811 20 31
0811 20 39
0811 20 59
0811 90 11
0811 90 19
0811 90 39
0811 90 75

CN code 9 6

0811 90 80
0811 90 95

Fruit and nuts, provisionally preserved

0812 90 10
0812 90 20

Fruit, dried

0813 20 00

Wheat and meslin

1001 90 10

Buckwheat, millet and canary seed; other cereals

1008 10 00
1008 20 00
1008 90 90

Flour, meal, powder, flakes, granules and pellets

1105 10 00
1105 20 00

Flour, meal and powder of the dried leguminous vegetables

1106 10 00
1106 30 10
1106 30 90

Fats and oils and their fractions, of fish

1504 30 11

Other prepared or preserved meat, meat offal

1602 20 11
1602 20 19
1602 31 11
1602 31 19
1602 31 30
1602 31 90
1602 32 19
1602 32 30
1602 32 90
1602 39 29
1602 39 40
1602 39 80
1602 41 90
1602 42 90
1602 90 31
1602 90 72
1602 90 76

Vegetables, fruit, nuts and other edible parts

2001 10 00
2001 20 00
2001 90 50
2001 90 65
2001 90 96

CN code 9 6

Mushrooms and truffles, prepared or preserved

2003 10 20
2003 10 30
2003 10 80
2003 20 00

Other vegetables prepared or preserved otherwise

2004 10 10
2004 10 99
2004 90 50
2004 90 91
2004 90 98

Other vegetables prepared or preserved otherwise

2005 10 00
2005 20 20
2005 20 80
2005 40 00
2005 51 00
2005 59 00

Vegetables, fruit, nuts, fruit-peel

2006 00 31
2006 00 35
2006 00 38
2006 00 99

Jams, fruit jellies, marmalades, fruit or nut puree

2007 10 91
2007 99 93

Fruit, nuts and other edible parts of plants

2008 11 94
2008 11 98
2008 19 19
2008 19 95
2008 19 99
2008 20 51
2008 20 59
2008 20 71
2008 20 79
2008 20 91
2008 20 99
2008 30 11
2008 30 39
2008 30 51
2008 30 59
2008 40 11
2008 40 21
2008 40 29
2008 40 39
2008 60 11
2008 60 31
2008 60 39
2008 60 59
2008 60 69
2008 60 79
2008 60 99
2008 70 11
2008 70 31
2008 70 39
2008 70 59
2008 80 11
2008 80 31
2008 80 39

CN code 9 6

2008 80 50
2008 80 70
2008 80 91
2008 80 99
2008 99 23
2008 99 25
2008 99 26
2008 99 28
2008 99 36
2008 99 45
2008 99 46
2008 99 49
2008 99 53
2008 99 55
2008 99 61
2008 99 62
2008 99 68
2008 99 72
2008 99 74
2008 99 79
2008 99 99

Fruit juices (including grape must)

2009 11 19
2009 11 91
2009 19 19
2009 19 91
2009 19 99
2009 20 19
2009 20 91
2009 30 19
2009 30 31
2009 30 39
2009 30 51
2009 30 55
2009 30 91
2009 30 95
2009 30 99
2009 40 19
2009 40 91
2009 80 19
2009 80 50
2009 80 61
2009 80 63
2009 80 73
2009 80 79
2009 80 83
2009 80 84
2009 80 86
2009 80 97
2009 90 19
2009 90 29
2009 90 39
2009 90 41
2009 90 51
2009 90 59
2009 90 73
2009 90 79
2009 90 92
2009 90 94
2009 90 95
2009 90 96
2009 90 97
2009 90 98

Other fermented beverages (for example, cider)

2206 00 10

CN code 96

Wine lees; argol

2307 00 19

CN code 96

Vegetable materials and vegetable waste

2308 90 19

Agricultural Products (3)

CN code 96

Live swine

0103 91 10

0103 92 11

0103 92 19

Live sheep and goats

0104 10 30

0104 10 80

0104 20 90

Live poultry, that is to say, fowls of the species

0105 11 11

0105 11 19

0105 11 91

0105 11 99

0105 12 00

0105 19 20

0105 19 90

0105 92 00

0105 93 00

0105 99 10

0105 99 20

0105 99 30

0105 99 50

Meat of swine, fresh, chilled or frozen

0203 11 10

0203 12 11

0203 12 19

0203 19 11

0203 19 13

0203 19 15

0203 19 55

0203 19 59

0203 21 10

0203 22 11

0203 22 19

0203 29 11

0203 29 13

0203 29 15

0203 29 55

0203 29 59

Meat of sheep or goats, fresh, chilled or frozen

0204 10 00

0204 21 00

0204 22 10

0204 22 30

0204 22 50

0204 22 90

0204 23 00

0204 30 00

0204 41 00

0204 42 10

0204 42 30

0204 42 50

0204 42 90

CN code 96

0204 43 10

0204 43 90

0204 50 11

0204 50 13

0204 50 15

0204 50 19

0204 50 31

0204 50 39

0204 50 51

0204 50 53

0204 50 55

0204 50 59

0204 50 71

0204 50 79

Meat and edible offal

0207 11 10

0207 11 30

0207 11 90

0207 12 10

0207 12 90

0207 13 10

0207 13 20

0207 13 30

0207 13 40

0207 13 50

0207 13 60

0207 13 70

0207 13 99

0207 14 10

0207 14 20

0207 14 30

0207 14 40

0207 14 50

0207 14 60

0207 14 70

0207 14 99

0207 24 10

0207 24 90

0207 25 10

0207 25 90

0207 26 10

0207 26 20

0207 26 30

0207 26 40

0207 26 50

0207 26 60

0207 26 70

0207 26 80

0207 26 99

0207 27 10

0207 27 20

0207 27 30

0207 27 40

0207 27 50

0207 27 60

0207 27 70

0207 27 80

0207 27 99

0207 32 11

CN code 9 6

0207 32 15
 0207 32 19
 0207 32 51
 0207 32 59
 0207 32 90
 0207 33 11
 0207 33 19
 0207 33 51
 0207 33 59
 0207 33 90
 0207 35 11
 0207 35 15
 0207 35 21
 0207 35 23
 0207 35 25
 0207 35 31
 0207 35 41
 0207 35 51
 0207 35 53
 0207 35 61
 0207 35 63
 0207 35 71
 0207 35 79
 0207 35 99
 0207 36 11
 0207 36 15
 0207 36 21
 0207 36 23
 0207 36 25
 0207 36 31
 0207 36 41
 0207 36 51
 0207 36 53
 0207 36 61
 0207 36 63
 0207 36 71
 0207 36 79
 0207 36 90

Pig fat, free of lean meat, and poultry fat

0209 00 11
 0209 00 19
 0209 00 30
 0209 00 90

Meat and edible meat offal, salted, in brine

0210 11 11
 0210 11 19
 0210 11 31
 0210 11 39
 0210 11 90
 0210 12 11
 0210 12 19
 0210 12 90
 0210 19 10
 0210 19 20
 0210 19 30
 0210 19 40
 0210 19 51
 0210 19 59
 0210 19 60
 0210 19 70
 0210 19 81
 0210 19 89
 0210 19 90
 0210 90 11
 0210 90 19

CN code 9 6

0210 90 21
 0210 90 29
 0210 90 31
 0210 90 39

Milk and cream, concentrated

0402 91 11
 0402 91 19
 0402 91 31
 0402 91 39
 0402 91 51
 0402 91 59
 0402 91 91
 0402 91 99
 0402 99 11
 0402 99 19
 0402 99 31
 0402 99 39
 0402 99 91
 0402 99 99

Buttermilk, curdled milk and cream, yogurt, kephir

0403 90 51
 0403 90 53
 0403 90 59
 0403 90 61
 0403 90 63
 0403 90 69

Whey, whether or not concentrated

0404 10 48
 0404 10 52
 0404 10 54
 0404 10 56
 0404 10 58
 0404 10 62
 0404 10 72
 0404 10 74
 0404 10 76
 0404 10 78
 0404 10 82
 0404 10 84

Cheese and curd

0406 10 20⁽¹¹⁾
 0406 10 80⁽¹¹⁾
 0406 20 90⁽¹¹⁾
 0406 30 10⁽¹¹⁾
 0406 30 31⁽¹¹⁾
 0406 30 39⁽¹¹⁾
 0406 30 90⁽¹¹⁾
 0406 40 90⁽¹¹⁾
 0406 90 01⁽¹¹⁾
 0406 90 21⁽¹¹⁾
 0406 90 50⁽¹¹⁾
 0406 90 69⁽¹¹⁾
 0406 90 78⁽¹¹⁾
 0406 90 86⁽¹¹⁾
 0406 90 87⁽¹¹⁾
 0406 90 88⁽¹¹⁾
 0406 90 93⁽¹¹⁾
 0406 90 99⁽¹¹⁾

CN code 9 6

Birds' eggs, in shell, fresh, preserved or cooked

0407 00 11
0407 00 19
0407 00 30

Birds' eggs, not in shell, and egg yolks, fresh

0408 11 80
0408 19 81
0408 19 89
0408 91 80
0408 99 80

Natural honey

0409 00 00

Tomatoes, fresh or chilled

0702 00 15 ⁽¹²⁾
0702 00 20 ⁽¹²⁾
0702 00 25 ⁽¹²⁾
0702 00 30 ⁽¹²⁾
0702 00 35 ⁽¹²⁾
0702 00 40 ⁽¹²⁾
0702 00 45 ⁽¹²⁾
0702 00 50 ⁽¹²⁾

Cucumbers and gherkins, fresh or chilled

0707 00 10 ⁽¹²⁾
0707 00 15 ⁽¹²⁾
0707 00 20 ⁽¹²⁾
0707 00 25 ⁽¹²⁾
0707 00 30 ⁽¹²⁾
0707 00 35 ⁽¹²⁾
0707 00 40 ⁽¹²⁾
0707 00 90

Other vegetables, fresh or chilled

0709 10 10 ⁽¹²⁾
0709 10 20 ⁽¹²⁾
0709 20 00
0709 90 39
0709 90 75 ⁽¹²⁾
0709 90 77 ⁽¹²⁾
0709 90 79 ⁽¹²⁾

Vegetables provisionally preserved

0711 20 90

Dried vegetables, whole, cut, sliced, broken

0712 90 19

Manioc, arrowroot, salep, Jerusalem artichokes

0714 10 10
0714 10 91
0714 10 99
0714 20 90

Citrus fruit, fresh or dried

0805 10 37 ⁽²⁾ ⁽¹²⁾
0805 10 38 ⁽²⁾ ⁽¹²⁾
0805 10 39 ⁽²⁾ ⁽¹²⁾

CN code 9 6

0805 10 42 ⁽²⁾ ⁽¹²⁾
0805 10 46 ⁽²⁾ ⁽¹²⁾
0805 10 82
0805 10 84
0805 10 86
0805 20 11 ⁽¹²⁾
0805 20 13 ⁽¹²⁾
0805 20 15 ⁽¹²⁾
0805 20 17 ⁽¹²⁾
0805 20 19 ⁽¹²⁾
0805 20 21 ⁽¹⁰⁾ ⁽¹²⁾
0805 20 23 ⁽¹⁰⁾ ⁽¹²⁾
0805 20 25 ⁽¹⁰⁾ ⁽¹²⁾
0805 20 27 ⁽¹⁰⁾ ⁽¹²⁾
0805 20 29 ⁽¹⁰⁾ ⁽¹²⁾
0805 20 31 ⁽¹²⁾
0805 20 33 ⁽¹²⁾
0805 20 35 ⁽¹²⁾
0805 20 37 ⁽¹²⁾
0805 20 39 ⁽¹²⁾

Grapes, fresh or dried

0806 10 21 ⁽¹²⁾
0806 10 29 ⁽⁴⁾ ⁽¹²⁾
0806 10 30 ⁽¹²⁾
0806 10 50 ⁽¹²⁾
0806 10 61 ⁽¹²⁾
0806 10 69 ⁽¹²⁾
0806 10 93

Apricots, cherries, peaches (including nectarines)

0809 10 20 ⁽¹²⁾
0809 10 30 ⁽¹²⁾
0809 10 40 ⁽¹²⁾
0809 20 11 ⁽¹²⁾
0809 20 21 ⁽¹²⁾
0809 20 31 ⁽¹²⁾
0809 20 39 ⁽¹²⁾
0809 20 41 ⁽¹²⁾
0809 20 49 ⁽¹²⁾
0809 20 51 ⁽¹²⁾
0809 20 59 ⁽¹²⁾
0809 20 61 ⁽¹²⁾
0809 20 69 ⁽¹²⁾
0809 20 71 ⁽¹²⁾
0809 20 79 ⁽¹²⁾
0809 30 21 ⁽¹²⁾
0809 30 29 ⁽¹²⁾
0809 30 31 ⁽¹²⁾
0809 30 39 ⁽¹²⁾
0809 30 41 ⁽¹²⁾
0809 30 49 ⁽¹²⁾
0809 40 20 ⁽¹²⁾
0809 40 30 ⁽¹²⁾

Other fruit, fresh

0810 10 10
0810 10 80
0810 20 10

Fruit and nuts, uncooked or cooked by steaming

0811 10 11
0811 10 19

CN code 9 6	CN code 9 6
Wheat and meslin	1104 22 92
1001 10 00	1104 22 99
1001 90 91	1104 29 11
1001 90 99	1104 29 15
	1104 29 19
	1104 29 31
Rye	1104 29 35
1002 00 00	1104 29 39
	1104 29 51
	1104 29 55
Barley	1104 29 59
1003 00 10	1104 29 81
1003 00 90	1104 29 85
	1104 29 89
	1104 30 10
Oats	
1004 00 00	Flour, meal and powder of the dried leguminous vegetables
	1106 20 10
Buckwheat, millet and canary seed; other cereals	1106 20 90
1008 90 10	
	Malt, whether or not roasted
Wheat or meslin flour	1107 10 11
1101 00 11	1107 10 19
1101 00 15	1107 10 91
1101 00 90	1107 10 99
	1107 20 00
Cereal flours other than of wheat or meslin	
1102 10 00	Locust beans, seaweeds and other algae, sugar beet
1102 90 10	1212 91 20
1102 90 30	1212 91 80
1102 90 90	
	Pig fat (including lard) and poultry fat
Cereal groats, meal and pellets	1501 00 19
1103 11 10	
1103 11 90	Olive oil and its fractions, whether or not refined
1103 12 00	1509 10 10
1103 19 10	1509 10 90
1103 19 30	1509 90 00
1103 19 90	
1103 21 00	
1103 29 10	Other oils and their fractions
1103 29 20	1510 00 10
1103 29 30	1510 00 90
1103 29 90	
	Degras
Cereal grains otherwise worked	1522 00 31
1104 11 10	1522 00 39
1104 11 90	
1104 12 10	
1104 12 90	Sausages and similar products, of meat, meat offal
1104 19 10	1601 00 91
1104 19 30	1601 00 99
1104 19 99	
1104 21 10	
1104 21 30	Other prepared or preserved meat, meat offal
1104 21 50	1602 10 00
1104 21 90	1602 20 90
1104 21 99	1602 32 11
1104 22 20	1602 39 21
1104 22 30	1602 41 10
1104 22 50	
1104 22 90	

CN code 96

1602 42 10
 1602 49 11
 1602 49 13
 1602 49 15
 1602 49 19
 1602 49 30
 1602 49 50
 1602 49 90
 1602 50 31
 1602 50 39
 1602 50 80
 1602 90 10
 1602 90 41
 1602 90 51
 1602 90 69
 1602 90 74
 1602 90 78
 1602 90 98

Other sugars, including chemically pure lactose

1702 11 00
 1702 19 00

Pasta, whether or not cooked or stuffed

1902 20 30

Jams, fruit jellies, marmalades, fruit or nut puree

2007 10 99
 2007 91 90
 2007 99 91
 2007 99 98

Fruit, nuts and other edible parts of plants

2008 20 11
 2008 20 31
 2008 30 19
 2008 30 31
 2008 30 79
 2008 30 91
 2008 30 99
 2008 40 19
 2008 40 31
 2008 50 11
 2008 50 19
 2008 50 31
 2008 50 39
 2008 50 51
 2008 50 59
 2008 60 19
 2008 60 51
 2008 60 61
 2008 60 71
 2008 60 91
 2008 70 19
 2008 70 51
 2008 80 19
 2008 92 16
 2008 92 18
 2008 99 21
 2008 99 32
 2008 99 33
 2008 99 34
 2008 99 37
 2008 99 43

CN code 96

Fruit juices (including grape must)

2009 11 11
 2009 19 11
 2009 20 11
 2009 30 11
 2009 30 59
 2009 40 11
 2009 50 10
 2009 50 90
 2009 80 11
 2009 80 32
 2009 80 33
 2009 80 35
 2009 90 11
 2009 90 21
 2009 90 31

Food preparations not elsewhere specified

2106 90 51

Wine of fresh grapes, including fortified wines

2204 10 19⁽¹¹⁾
 2204 10 99⁽¹¹⁾
 2204 21 10
 2204 21 81
 2204 21 82
 2204 21 98
 2204 21 99
 2204 29 10
 2204 29 58
 2204 29 75
 2204 29 98
 2204 29 99
 2204 30 10
 2204 30 92⁽¹²⁾
 2204 30 94⁽¹²⁾
 2204 30 96⁽¹²⁾
 2204 30 98⁽¹²⁾

Undenatured ethyl alcohol

2208 20 40

Bran, sharps and other residues

2302 30 10
 2302 30 90
 2302 40 10
 2302 40 90

Oil-cake and other solid residues

2306 90 19

Preparations of a kind used in animal feeding

2309 10 13
 2309 10 15
 2309 10 19
 2309 10 33
 2309 10 39
 2309 10 51
 2309 10 53

CN code 9 6

2309 10 59
2309 10 70
2309 90 33
2309 90 35
2309 90 39
2309 90 43
2309 90 49
2309 90 51
2309 90 53

CN code 9 6

2309 90 59
2309 90 70

Albumins

3502 11 90
3502 19 90
3502 20 91
3502 20 99

Agricultural Products (4)

CN code 9 6

Buttermilk, curdled milk and cream, yogurt, kephir

0403 10 51
0403 10 53
0403 10 59
0403 10 91
0403 10 93
0403 10 99
0403 90 71
0403 90 73
0403 90 79
0403 90 91
0403 90 93
0403 90 99

CN code 9 6

1806 10 30
1806 10 90
1806 20 10
1806 20 30
1806 20 50
1806 20 70
1806 20 80
1806 20 95
1806 31 00
1806 32 10
1806 32 90
1806 90 11
1806 90 19
1806 90 31
1806 90 39
1806 90 50
1806 90 60
1806 90 70
1806 90 90

Butter and other fats and oils derived from milk

0405 20 10
0405 20 30

Vegetable saps and extracts; pectic substances

1302 20 10
1302 20 90

Margarine

1517 10 10
1517 90 10

Malt extract; food preparations of flour, meal

1901 10 00
1901 20 00
1901 90 11
1901 90 19
1901 90 99

Other sugars, including chemically pure lactose

1702 50 00
1702 90 10

Pasta, whether or not cooked or stuffed

1902 11 00
1902 19 10
1902 19 90
1902 20 91
1902 20 99
1902 30 10
1902 30 90
1902 40 10
1902 40 90

Sugar confectionery (including white chocolate)

1704 10 11
1704 10 19
1704 10 91
1704 10 99
1704 90 10
1704 90 30
1704 90 51
1704 90 55
1704 90 61
1704 90 65
1704 90 71
1704 90 75
1704 90 81
1704 90 99

Tapioca and substitutes

1903 00 00

Prepared foods

1904 10 10
1904 10 30
1904 10 90
1904 20 10
1904 20 91
1904 20 95

Chocolate and other food preparations

1806 10 15
1806 10 20

CN code 9 6

1904 20 99
1904 90 10
1904 90 90

Bread, pastry, cakes, biscuits

1905 10 00
1905 20 10
1905 20 30
1905 20 90
1905 30 11
1905 30 19
1905 30 30
1905 30 51
1905 30 59
1905 30 91
1905 30 99
1905 40 10
1905 40 90
1905 90 10
1905 90 20
1905 90 30
1905 90 40
1905 90 45
1905 90 55
1905 90 60
1905 90 90

Vegetables, fruit, nuts

2001 90 40

Other vegetables

2004 10 91

Other vegetables

2005 20 10

Fruits, nuts and other edible parts of plants

2008 99 85
2008 99 91

Fruit juices (including grape must)

2009 80 69

Extracts, essences and concentrates, of coffee

2101 11 11
2101 11 19
2101 12 92
2101 12 98
2101 20 98
2101 30 11
2101 30 19
2101 30 91
2101 30 99

Yeasts (active or inactive)

2102 10 10
2102 10 31

CN code 9 6

2102 10 39
2102 10 90
2102 20 11

Sauces and preparations therefor; mixed condiments

2103 20 00

Ice cream and other edible ice

2105 00 10
2105 00 91
2105 00 99

Food preparations not elsewhere specified or included

2106 10 20
2106 10 80
2106 90 10
2106 90 20
2106 90 98

Waters, including mineral waters and aerated water

2202 90 91
2202 90 95
2202 90 99

Vinegar and substitutes for vinegar

2209 00 11
2209 00 19
2209 00 91
2209 00 99

Acyclic alcohols and their halogenated derivatives

2905 43 00
2905 44 11
2905 44 19
2905 44 91
2905 44 99
2905 45 00

Mixtures of odoriferous substances and mixtures

3302 10 10
3302 10 21
3302 10 29

Finishing agents, dye carriers

3809 10 10
3809 10 30
3809 10 50
3809 10 90

Prepared binders for foundry moulds or cores

3824 60 11
3824 60 19
3824 60 91
3824 60 99

Agricultural Products (5)**CN code 96****Cut flowers and flower buds**

0603 10 15 ⁽¹¹⁾
 0603 10 29 ⁽¹¹⁾
 0603 10 51 ⁽¹¹⁾
 0603 10 65 ⁽¹¹⁾
 0603 90 00 ⁽¹¹⁾

Fruit and nuts, uncooked or cooked by steaming

0811 10 90 ⁽¹¹⁾

Fruit, nuts and other edible parts of plants

2008 40 51 ⁽¹¹⁾
 2008 40 59 ⁽¹¹⁾
 2008 40 71 ⁽¹¹⁾
 2008 40 79 ⁽¹¹⁾
 2008 40 91 ⁽¹¹⁾
 2008 40 99 ⁽¹¹⁾
 2008 50 61 ⁽¹¹⁾
 2008 50 69 ⁽¹¹⁾
 2008 50 71 ⁽¹¹⁾
 2008 50 79 ⁽¹¹⁾
 2008 50 92 ⁽¹¹⁾
 2008 50 94 ⁽¹¹⁾
 2008 50 99 ⁽¹¹⁾
 2008 70 61 ⁽¹¹⁾
 2008 70 69 ⁽¹¹⁾

CN code 96

2008 70 71 ⁽¹¹⁾
 2008 70 79 ⁽¹¹⁾
 2008 70 92 ⁽¹¹⁾
 2008 70 94 ⁽¹¹⁾
 2008 70 99 ⁽¹¹⁾
 2008 92 59 ⁽¹¹⁾
 2008 92 72 ⁽¹¹⁾
 2008 92 74 ⁽¹¹⁾
 2008 92 78 ⁽¹¹⁾
 2008 92 98 ⁽¹¹⁾

Fruit juices (including grape must)

2009 11 99 ⁽¹¹⁾
 2009 40 30 ⁽¹¹⁾
 2009 70 11 ⁽¹¹⁾
 2009 70 19 ⁽¹¹⁾
 2009 70 30 ⁽¹¹⁾
 2009 70 91 ⁽¹¹⁾
 2009 70 93 ⁽¹¹⁾
 2009 70 99 ⁽¹¹⁾

Wine of fresh grapes, including fortified wines

2204 21 79 ⁽¹¹⁾
 2204 21 80 ⁽¹¹⁾
 2204 21 83 ⁽¹¹⁾
 2204 21 84 ⁽¹¹⁾

Agricultural Products (6)**CN code 96****Live bovine animals**

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

Meat of bovine animals, fresh or chilled

0201 10 00
 0201 20 20
 0201 20 30
 0201 20 50
 0201 20 90
 0201 30 00

Meat of bovine animals, frozen

0202 10 00
 0202 20 10
 0202 20 30
 0202 20 50
 0202 20 90
 0202 30 10

CN code 96

0202 30 50
 0202 30 90

Edible offal of bovine animals, swine, sheep, goats

0206 10 95
 0206 29 91
 0206 29 99

Meat and edible meat offal, salted, in brine

0210 20 10
 0210 20 90
 0210 90 41
 0210 90 49
 0210 90 90

Milk and cream, concentrated

0402 10 11
 0402 10 19
 0402 10 91
 0402 10 99
 0402 21 11
 0402 21 17
 0402 21 19
 0402 21 91
 0402 21 99
 0402 29 11
 0402 29 15

CN code 9 6

0402 29 19
0402 29 91
0402 29 99

Buttermilk, curdled milk and cream, yogurt, kephir

0403 90 11
0403 90 13
0403 90 19
0403 90 31
0403 90 33
0403 90 39

Whey, whether or not concentrated

0404 10 02
0404 10 04
0404 10 06
0404 10 12
0404 10 14
0404 10 16
0404 10 26
0404 10 28
0404 10 32
0404 10 34
0404 10 36
0404 10 38
0404 90 21
0404 90 23
0404 90 29
0404 90 81
0404 90 83
0404 90 89

Butter and other fats and oils derived from milk

0405 10 11
0405 10 19
0405 10 30
0405 10 50
0405 10 90
0405 20 90
0405 90 10
0405 90 90

Cut flowers and flower buds

0603 10 11
0603 10 13
0603 10 21
0603 10 25
0603 10 53

Other vegetables, fresh or chilled

0709 90 60

Vegetables (uncooked or cooked by steaming or boiling)

0710 40 00

Vegetables provisionally preserved

0711 90 30

Bananas, including plantains, fresh or dried

0803 00 19

CN code 9 6

Citrus fruit, fresh or dried

0805 10 01⁽¹²⁾
0805 10 05⁽¹²⁾
0805 10 09⁽¹²⁾
0805 10 11⁽¹²⁾
0805 10 15⁽²⁾
0805 10 19⁽²⁾
0805 10 21⁽²⁾
0805 10 25⁽¹²⁾
0805 10 29⁽¹²⁾
0805 10 31⁽¹²⁾
0805 10 33⁽¹²⁾
0805 10 35⁽¹²⁾
0805 10 37⁽⁹⁾⁽¹²⁾
0805 10 38⁽⁹⁾⁽¹²⁾
0805 10 39⁽⁹⁾⁽¹²⁾
0805 10 42⁽⁹⁾⁽¹²⁾
0805 10 44⁽¹²⁾
0805 10 46⁽⁹⁾⁽¹²⁾
0805 10 51⁽²⁾
0805 10 55⁽²⁾
0805 10 59⁽²⁾
0805 10 61⁽²⁾
0805 10 65⁽²⁾
0805 10 69⁽²⁾
0805 30 20⁽²⁾
0805 30 30⁽²⁾
0805 30 40⁽²⁾

Grapes, fresh or dried

0806 10 40⁽²⁾

Apples, pears and quinces, fresh

0808 10 51⁽¹²⁾
0808 10 53⁽¹²⁾
0808 10 59⁽¹²⁾
0808 10 61⁽¹²⁾
0808 10 63⁽¹²⁾
0808 10 69⁽¹²⁾
0808 10 71⁽¹²⁾
0808 10 73⁽¹²⁾
0808 10 79⁽¹²⁾
0808 10 92⁽¹²⁾
0808 10 94⁽¹²⁾
0808 10 98⁽¹²⁾
0808 20 31⁽¹²⁾
0808 20 37⁽¹²⁾
0808 20 41⁽¹²⁾
0808 20 47⁽¹²⁾
0808 20 51⁽¹²⁾
0808 20 57⁽¹²⁾
0808 20 67⁽¹²⁾

Maize (corn)

1005 10 90
1005 90 00

Rice

1006 10 10
1006 10 21
1006 10 23
1006 10 25
1006 10 27
1006 10 92
1006 10 94
1006 10 96

CN code 9 6

1006 10 98
 1006 20 11
 1006 20 13
 1006 20 15
 1006 20 17
 1006 20 92
 1006 20 94
 1006 20 96
 1006 20 98
 1006 30 21
 1006 30 23
 1006 30 25
 1006 30 27
 1006 30 42
 1006 30 44
 1006 30 46
 1006 30 48
 1006 30 61
 1006 30 63
 1006 30 65
 1006 30 67
 1006 30 92
 1006 30 94
 1006 30 96
 1006 30 98
 1006 40 00

Grain sorghum

1007 00 10
 1007 00 90

Cereal flours other than of wheat or meslin

1102 20 10
 1102 20 90
 1102 30 00

Cereal groats, meal and pellets

1103 13 10
 1103 13 90
 1103 14 00
 1103 29 40
 1103 29 50

Cereal grains otherwise worked

1104 19 50
 1104 19 91
 1104 23 10
 1104 23 30
 1104 23 90
 1104 23 99
 1104 30 90

Starches; inulin

1108 11 00
 1108 12 00
 1108 13 00
 1108 14 00
 1108 19 10
 1108 19 90
 1108 20 00

CN code 9 6

Wheat gluten, whether or not dried

1109 00 00

Other prepared or preserved meat, meat offal

1602 50 10
 1602 90 61

Cane or beet sugar and chemically pure sucrose

1701 11 10
 1701 11 90
 1701 12 10
 1701 12 90
 1701 91 00
 1701 99 10
 1701 99 90

Other sugars, including chemically pure lactose

1702 20 10
 1702 20 90
 1702 30 10
 1702 30 51
 1702 30 59
 1702 30 91
 1702 30 99
 1702 40 10
 1702 40 90
 1702 60 10
 1702 60 90
 1702 90 30
 1702 90 50
 1702 90 60
 1702 90 71
 1702 90 75
 1702 90 79
 1702 90 80
 1702 90 99

Vegetables, fruit, nuts and other edible parts

2001 90 30

Tomatoes prepared or preserved

2002 10 10
 2002 10 90
 2002 90 11
 2002 90 19
 2002 90 31
 2002 90 39
 2002 90 91
 2002 90 99

Other vegetables prepared or preserved

2004 90 10

Other vegetables prepared or preserved

2005 60 00
 2005 80 00

CN code 9 6

Jams, fruit jellies, marmalades, fruit or nut puree

2007 10 10
 2007 91 10
 2007 91 30
 2007 99 10
 2007 99 20
 2007 99 31
 2007 99 33
 2007 99 35
 2007 99 39
 2007 99 51
 2007 99 55
 2007 99 58

Fruit, nuts and other edible parts of plants

2008 30 55
 2008 30 75
 2008 92 51
 2008 92 76
 2008 92 92
 2008 92 93
 2008 92 94
 2008 92 96
 2008 92 97

Fruit juices (including grape must)

2009 40 93
 2009 60 11 ⁽¹²⁾
 2009 60 19 ⁽¹²⁾
 2009 60 51 ⁽¹²⁾
 2009 60 59 ⁽¹²⁾
 2009 60 71 ⁽¹²⁾
 2009 60 79 ⁽¹²⁾
 2009 60 90 ⁽¹²⁾
 2009 80 71
 2009 90 49
 2009 90 71

Food preparations not elsewhere specified or included

2106 90 30
 2106 90 55
 2106 90 59

CN code 9 6

Wine of fresh grapes, including fortified wines

2204 21 94
 2204 29 62
 2204 29 64
 2204 29 65
 2204 29 83
 2204 29 84
 2204 29 94

Vermouth and other wine of fresh grapes

2205 10 10
 2205 10 90
 2205 90 10
 2205 90 90

Undenatured ethyl alcohol

2207 10 00
 2207 20 00

Undenatured ethyl alcohol

2208 40 10
 2208 40 90
 2208 90 91
 2208 90 99

Bran, sharps and other residues

2302 10 10
 2302 10 90
 2302 20 10
 2302 20 90

Residues of starch manufacture and similar residues

2303 10 11

Dextrins and other modified starches

3505 10 10
 3505 10 90
 3505 20 10
 3505 20 30
 3505 20 50
 3505 20 90

Agricultural Products (7)

CN code 9 6

Cheese and curd

0406 20 10
 0406 40 10
 0406 40 50
 0406 90 02
 0406 90 03
 0406 90 04
 0406 90 05
 0406 90 06
 0406 90 07
 0406 90 08
 0406 90 09
 0406 90 12
 0406 90 14
 0406 90 16
 0406 90 18

CN code 9 6

0406 90 19
 0406 90 23
 0406 90 25
 0406 90 27
 0406 90 29
 0406 90 31
 0406 90 33
 0406 90 35
 0406 90 37
 0406 90 39
 0406 90 61
 0406 90 63
 0406 90 73
 0406 90 75
 0406 90 76
 0406 90 79
 0406 90 81

CN code 9 6

0406 90 82
0406 90 84
0406 90 85

Wine of fresh grapes, including fortified wines

2204 10 11
2204 10 91
2204 21 11
2204 21 12
2204 21 13
2204 21 17
2204 21 18
2204 21 19
2204 21 22
2204 21 24
2204 21 26
2204 21 27
2204 21 28
2204 21 32
2204 21 34
2204 21 36
2204 21 37
2204 21 38
2204 21 42
2204 21 43
2204 21 44
2204 21 46
2204 21 47
2204 21 48
2204 21 62
2204 21 66
2204 21 67
2204 21 68
2204 21 69
2204 21 71
2204 21 74
2204 21 76
2204 21 77
2204 21 78
2204 21 87
2204 21 88
2204 21 89
2204 21 91
2204 21 92
2204 21 93
2204 21 95

CN code 9 6

2204 21 96
2204 21 97
2204 29 12
2204 29 13
2204 29 17
2204 29 18
2204 29 42
2204 29 43
2204 29 44
2204 29 46
2204 29 47
2204 29 48
2204 29 71
2204 29 72
2204 29 81
2204 29 82
2204 29 87
2204 29 88
2204 29 89
2204 29 91
2204 29 92
2204 29 93
2204 29 95
2204 29 96
2204 29 97

Undenatured ethyl alcohol

2208 20 12
2208 20 14
2208 20 26
2208 20 27
2208 20 62
2208 20 64
2208 20 86
2208 20 87
2208 30 11
2208 30 19
2208 30 32
2208 30 38
2208 30 52
2208 30 58
2208 30 72
2208 30 78
2208 90 41
2208 90 45
2208 90 52

Footnotes

CN code 9 6

⁽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⁾ (1/1-30/9)

⁽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.

Annex XIV to Protocol 1

FISHERY PRODUCTS TO WHICH ARTICLE 6(3) SHALL TEMPORARILY NOT BE APPLICABLE

Fish Products (1)

CN code 9 6	CN code 9 6
Live fish	0303 42 32
0301 10 90	0303 42 38
0301 92 00	0303 42 52
0301 99 11	0303 42 58
	0303 43 11
	0303 43 13
Fish, fresh or chilled, excluding fish fillets	0303 43 19
0302 12 00	0303 49 21
0302 31 10	0303 49 23
0302 32 10	0303 49 29
0302 33 10	0303 49 41
0302 39 11	0303 49 43
0302 39 19	0303 49 49
0302 66 00	0303 76 00
0302 69 21	0303 79 21
	0303 79 23
	0303 79 29
Fish, frozen, excluding fish fillets	
0303 10 00	Fish fillets and other fish meat
0303 22 00	0304 10 13
0303 41 11	0304 20 13
0303 41 13	
0303 41 19	Pasta, whether or not cooked or stuffed
0303 42 12	1902 20 10
0303 42 18	

Fish Products (2)

CN code 9 6	CN code 9 6
Live fish	0302 69 99
	0302 70 00
0301 91 10	
0301 93 00	
0301 99 19	Fish, frozen, excluding fish fillets
	0303 21 10
Fish, fresh or chilled, excluding fish fillets	0303 29 00
0302 11 10	0303 31 10
0302 19 00	0303 31 30
0302 21 10	0303 33 00
0302 21 30	0303 39 10
0302 22 00	0303 72 00
0302 62 00	0303 73 00
0302 63 00	0303 75 20
0302 65 20	0303 75 50
0302 65 50	0303 75 90
0302 65 90	0303 79 11
0302 69 11	0303 79 19
0302 69 19	0303 79 35
0302 69 31	0303 79 37
0302 69 33	0303 79 45
0302 69 41	0303 79 51
0302 69 45	0303 79 60
0302 69 51	0303 79 62
0302 69 85	0303 79 83
0302 69 86	0303 79 85
0302 69 92	0303 79 87
	0303 79 92

CN code 96

0303 79 93
0303 79 94
0303 79 96
0303 80 00

Fish fillets and other fish meat

0304 10 19
0304 10 91
0304 20 19
0304 20 21
0304 20 29
0304 20 31
0304 20 33
0304 20 35
0304 20 37
0304 20 41
0304 20 43
0304 20 61
0304 20 69
0304 20 71
0304 20 73
0304 20 87
0304 20 91
0304 90 10
0304 90 31
0304 90 39
0304 90 41
0304 90 45
0304 90 57
0304 90 59
0304 90 97

Fish, dried, salted or in brine; smoked fish

0305 42 00
0305 59 50
0305 59 70
0305 63 00
0305 69 30
0305 69 50
0305 69 90

Crustaceans, whether in shell or not, live, fresh

0306 11 10
0306 11 90
0306 12 10
0306 12 90
0306 13 10
0306 13 90
0306 14 10
0306 14 30
0306 14 90
0306 19 10
0306 19 90
0306 21 00
0306 22 10
0306 22 91
0306 22 99
0306 23 10
0306 23 90
0306 24 10
0306 24 30
0306 24 90
0306 29 10
0306 29 90

CN code 96

Molluscs, whether in shell or not, live, fresh

0307 10 90
0307 21 00
0307 29 10
0307 29 90
0307 31 10
0307 31 90
0307 39 10
0307 39 90
0307 41 10
0307 41 91
0307 41 99
0307 49 01
0307 49 11
0307 49 18
0307 49 31
0307 49 33
0307 49 35
0307 49 38
0307 49 51
0307 49 59
0307 49 71
0307 49 91
0307 49 99
0307 51 00
0307 59 10
0307 59 90
0307 91 00
0307 99 11
0307 99 13
0307 99 15
0307 99 18
0307 99 90

Prepared or preserved fish; caviar and caviar substitutes

1604 11 00
1604 13 90
1604 15 11
1604 15 19
1604 15 90
1604 19 10
1604 19 50
1604 19 91
1604 19 92
1604 19 93
1604 19 94
1604 19 95
1604 19 98
1604 20 05
1604 20 10
1604 20 30
1604 30 10
1604 30 90

Crustaceans, molluscs and other aquatic invertebra

1605 10 00
1605 20 10
1605 20 91
1605 20 99
1605 30 00
1605 40 00
1605 90 11
1605 90 19
1605 90 30
1605 90 90

Fish Products (3)**CN code 9 6****Live fish**

0301 91 90

Fish, fresh or chilled, excluding fish fillets

0302 11 90

Fish, frozen, excluding fish fillets

0303 21 90

CN code 9 6**Fish fillets and other fish meat**

0304 10 11

0304 20 11

0304 20 57

0304 20 59

0304 90 47

0304 90 49

Prepared or preserved fish; caviar and caviar substitutes

1604 13 11

Fish Products (4)**CN code 9 6****Live fish**

0301 99 90

Fish, fresh or chilled, excluding fish fillets

0302 21 90

0302 23 00

0302 29 10

0302 29 90

0302 31 90

0302 32 90

0302 33 90

0302 39 91

0302 39 99

0302 40 05

0302 40 98

0302 50 10

0302 50 90

0302 61 10

0302 61 30

0302 61 90

0302 61 98

0302 64 05

0302 64 98

0302 69 25

0302 69 35

0302 69 55

0302 69 61

0302 69 75

0302 69 87

0302 69 91

0302 69 93

0302 69 94

0302 69 95

Fish, frozen, excluding fish fillets

0303 31 90

0303 32 00

0303 39 20

0303 39 30

0303 39 80

0303 41 90

0303 42 90

0303 43 90

0303 49 90

0303 50 05

0303 50 98

CN code 9 6

0303 60 11

0303 60 19

0303 60 90

0303 71 10

0303 71 30

0303 71 90

0303 71 98

0303 74 10

0303 74 20

0303 74 90

0303 77 00

0303 79 31

0303 79 41

0303 79 55

0303 79 65

0303 79 71

0303 79 75

0303 79 91

0303 79 95

Fish fillets and other fish meat

0304 10 31

0304 10 33

0304 10 35

0304 10 38

0304 10 94

0304 10 96

0304 10 98

0304 20 45

0304 20 51

0304 20 53

0304 20 75

0304 20 79

0304 20 81

0304 20 85

0304 20 96

0304 90 05

0304 90 20

0304 90 27

0304 90 35

0304 90 38

0304 90 51

0304 90 55

0304 90 61

0304 90 65

CN code 96

Fish, dried, salted or in brine; smoked fish

0305 10 00
0305 20 00
0305 30 11
0305 30 19
0305 30 30
0305 30 50
0305 30 90
0305 41 00
0305 49 10
0305 49 20
0305 49 30
0305 49 45
0305 49 50
0305 49 80
0305 51 10
0305 51 90
0305 59 11
0305 59 19
0305 59 30
0305 59 60
0305 59 90
0305 61 00
0305 62 00

CN code 96

0305 69 10
0305 69 20

Crustaceans, whether in shell or not, live, fresh

0306 13 30
0306 19 30
0306 23 31
0306 23 39
0306 29 30

Prepared or preserved fish; caviar and caviar substitutes

1604 12 10
1604 12 91
1604 12 99
1604 14 12
1604 14 14
1604 14 16
1604 14 18
1604 14 90
1604 19 31
1604 19 39
1604 20 70

Fish Products (5)

CN code 96

Fish, fresh or chilled, excluding fish fillets

0302 69 65
0302 69 81

CN code 96

Fish fillets and other fish meat

0304 20 83

Fish, frozen, excluding fish fillets

0303 78 10
0303 78 90
0303 79 81

Prepared or preserved fish; caviar and caviar substitutes

1604 13 19
1604 16 00
1604 20 40
1604 20 50
1604 20 90

*Annex 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 of 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.

Malawi	20 000
Mauritius	487 200
Swaziland	116 400
Tanzania	10 000
Trinidad and Tobago	69 000
Uganda	5 000.

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.

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:

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.

Barbados	29 600
Fiji	25 600
Guyana	29 600
Jamaica	83 800
Madagascar	2 000
Mauritius	65 300
Swaziland	19 700
Trinidad and Tobago	54 200.

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 4

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
People's Republic of Congo	10 000
Fiji	163 600
Guyana	157 700
Jamaica	118 300
Kenya	5 000
Madagascar	10 000

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.

*Annex 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⁾ Annex XIII to the Final Act of the ACP — EEC Convention.

⁽²⁾ Annex XXI to the Final Act of the ACP — EEC Convention.

⁽³⁾ Annex XXII to the Final Act of the ACP — EEC Convention.

*Annex to Protocol 3*EXCHANGE OF LETTERS BETWEEN THE DOMINICAN REPUBLIC AND THE COMMUNITY CONCERNING THE
PROTOCOL ON ACP SUGAR*Letter No 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 No 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.

*Annex 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 No 1

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 Annex 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 No 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 Annex 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

*Annex 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 No 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 No 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

*Annex 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 No 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 No 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

*Annex 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 No 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.

*On behalf of the Council
of the European Union*

B. Letter No 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 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 and 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 Annex 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.

ANNEX VI

LIST OF 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	Malawi
Benin	Mali
Burkina Faso	Mauritania
Burundi	Madagascar
Republic of Cape Verde	Mozambique
Central African Republic	Niger
Chad	Rwanda
Comoro Islands	Samoa
Democratic Republic of Congo	SãoTome and Principe
Djibouti	Sierra Leone
Ethiopia	Solomon Islands
Eritrea	Somalia
Gambia	Sudan
Guinea	Tanzania
Guinea (Bissau)	Tuvalu
Guinea (Equatorial)	Togo
Haiti	Uganda
Kiribati	Vanuatu
Lesotho	Zambia
Liberia	

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
Bahamas
Barbados
Cape Verde
Comoros
Dominica
Dominican Republic
Fiji
Grenada
Haiti
Jamaica
Kiribati
Madagascar

Mauritius
Papua New Guinea
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Samoa
São Tomé and Príncipe
Seychelles
Solomon Islands
Tonga
Trinidad and Tobago
Tuvalu
Vanuatu

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-EU 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.

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 Annex 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 its 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, Economic and Trade Cooperation.
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, Development Finance Cooperation
Part 5, General Provisions for the Least Developed, Landlocked and Island ACP States, Articles 84 to 90		
Part 6, Final Provisions, Articles 91 to 100		
		Annex I (Financial Protocol)
Annex II, Terms and conditions of Financing, Chapter 5 (link to 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 South Africa's participation will be fully financed from the resources provided for under Title VII of the TDCA.</i>	Annex II, Terms and conditions of Financing, Chapters 1, 2, 3 and 4
Annex III, Institutional Support (CDE and CTA)	<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>	

<i>Applicable</i>	<i>Remarks</i>	<i>Not applicable</i>
Annex IV, Implementation and Management Procedures: Articles 6 to 14 (Regional cooperation) Articles 20 to 32 (Competition and preference)	<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:

His Majesty the King of the Belgians,

Her Majesty the Queen of Denmark,

The President of the Federal Republic of Germany,

The President of the Hellenic Republic,

His Majesty the King of Spain,

The President of the French Republic,

The President of Ireland,

The President of the Italian Republic,

His Royal Highness the Grand Duke of Luxembourg,

Her Majesty the Queen of the Netherlands,

The Federal President of the Republic of Austria,

The President of the Portuguese Republic

The President of the Republic of Finland,

The Government of the Kingdom of Sweden,

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

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

and of the Council of the European Union and the Commission of the European Communities,

on the one part, and

The plenipotentiaries of:

The President of the Republic of Angola,

Her Majesty the Queen of Antigua and Barbuda,

The Head of State of the Commonwealth of the Bahamas,

The Head of State of Barbados,

Her Majesty the Queen of Belize,

The President of the Republic of Benin,

The President of the Republic of Botswana,

The President of Burkina Faso,

The President of the Republic of Burundi,

The President of the Republic of Cameroon,

The President of the Republic of Cape Verde,

The President of the Central African Republic,

The President of the Republic of Chad,

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 Republic of Equatorial Guinea,
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 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,
The President of the Republic of Niger,

The President of the Federal Republic of Nigeria,
The Government of Niue,
The Government of the Republic of Palau,
Her Majesty the Queen of the Independent State of Papua New Guinea,
The President of the Rwandese Republic,
Her Majesty the Queen of Saint Kitts and Nevis,
Her Majesty the Queen of Saint Lucia,
Her Majesty the Queen of Saint Vincent and the Grenadines,
The Head of State of the Independent State of Samoa,
The President of the Democratic Republic of São Tomé and Príncipe,
The President of the Republic of Senegal,
The President of the Republic of Seychelles,
The President of the Republic of Sierra Leone,
Her Majesty the Queen of the Solomon Islands,
The President of the Republic of South Africa,
The President of the Republic of Sudan,
The President of the Republic of Suriname,
His Majesty the King of the Kingdom of Swaziland,
The President of the United Republic of Tanzania,
The President of the Togolese Republic,
His Majesty King Taufa'ahau Tupou IV of Tonga,
The President of the Republic of Trinidad and Tobago,
Her Majesty the Queen of Tuvalu,
The President of the Republic of Uganda,
The Government of the Republic of Vanuatu,
The President of the Republic of Zambia,
The Government of the Republic of Zimbabwe,
whose States are hereinafter referred to as 'ACP States',

of the other part,

meeting at Cotonou on June 23 in the year two thousand for the signature of the ACP-EC Partnership Agreement have adopted the following texts:

The ACP-EC Partnership Agreement, and the following Annexes and Protocols:

Annex I	Financial Protocol
Annex II	Terms and Conditions of Financing
Annex III	Institutional Support — CDE and CTA

Annex IV	Implementation and management procedures
Annex V	Trade regime applicable during the preparatory period referred to in Article 37(1)
Annex VI	List of LDLICs
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:

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 Annex IV
Declaration XXII	Joint Declaration concerning agricultural products referred to in Article 1(2)(a) of Annex 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 Annex 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 Annex V
Declaration XXXI	Community Declaration on Article 5(2)(a) of Annex V
Declaration XXXII	Joint Declaration on non-discrimination
Declaration XXXIII	Community Declaration on Article 8(3) of Annex V
Declaration XXXIV	Joint Declaration on Article 12 of Annex V
Declaration XXXV	Joint Declaration relating to Protocol 1 on Article 7 of Annex V
Declaration XXXVI	Joint Declaration relating to Protocol 1 of Annex V
Declaration XXXVII	Joint Declaration relating to Protocol 1 of Annex V on the origin of fishery products
Declaration XXXVIII	Community Declaration relating to Protocol 1 of Annex V on the extent of territorial waters
Declaration XXXIX	ACP Declaration relating to Protocol 1 of Annex 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 Annex V
Declaration XLII	Joint Declaration on rules of origin: cumulation with South Africa
Declaration XLIII	Joint Declaration on Annex 2 to Protocol 1 of Annex V

Hecho en Cotonú, el veintitrés de junio del año dos mil.
Udfærdiget i Cotonou den treogtyvende juni to tusind.
Geschehen zu Cotonou am dreiundzwanzigsten Juni zweitausend.
Έγινε στην Κοτονού, στις είκοσι τρεις Ιουνίου δύο χιλιάδες.
Done at Cotonou on the twenty-third day of June in the year two thousand.
Fait à Cotonou, le vingt-trois juin deux mille.
Fatto a Cotonou, addì ventitré giugno duemila.
Gedaan te Cotonou, de drieëntwintigste juni tweeduizend.
Feito em Cotonu, em vinte e três de Junho de dois mil.
Tehty Cotonoussa kahdentenäkymmenentenäkolmantena päivänä kesäkuuta vuonna kaksituhatta.
Som skedde i Cotonou den tjugotredje juni tjugohundra.

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

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.
Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.
Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

For Hendes Majestæt Danmarks Dronning

Für den Präsidenten der Bundesrepublik Deutschland

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας

Por Su Majestad el Rey de España

Pour le Président de la République française

Thar ceann Uachtarán na hÉireann
For the President of Ireland

Per il Presidente della Repubblica italiana

Pour Son Altesse Royale le Grand-Duc de Luxembourg

Voor Hare Majesteit de Koningin der Nederlanden

Für den Bundespräsidenten der Republik Österreich

Pelo Presidente da República Portuguesa

Suomen Tasavallan Presidentin puolesta
För Republiken Finlands President

På svenska regeringens vägnar

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

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

Pour le Président de la République d'Angola

For Her Majesty the Queen of Antigua and Barbuda

For the Head of State of the Commonwealth of the Bahamas

For the Head of State of Barbados

For the Government of Belize

Pour le Président de la République du Bénin

For the President of the Republic of Botswana

Pour le Président du Burkina Faso

Pour le Président de la République du Burundi

Pour le Président de la République du Cameroun

Pour le Président de la République du Cap-Vert

Pour le Président de la République Centrafricaine

Pour le Président de la République Fédérale Islamique des Comores

Pour le Président de la République démocratique du Congo

Pour le Président de la République du Congo

For the Government of the Cook Islands

Pour le Président de la République de Côte d'Ivoire

Pour le Président de la République de Djibouti

For the Government of the Commonwealth of Dominica

For the President of the Dominican Republic

For the President of the State of Eritrea

For the President of the Federal Republic of Ethiopia

For the President of the Sovereign Democratic Republic of Fiji

Pour le Président de la République gabonaise

For the President and Head of State of the Republic of The Gambia

For the President of the Republic of Ghana

For Her Majesty the Queen of Grenada

Pour le Président de la République de Guinée

Pour le Président de la République de Guinée-Bissau

Pour le Président de la République de Guinée équatoriale

For the President of the Republic of Guyana

Pour le Président de la République d'Haïti

For the Head of State of Jamaica

For the President of the Republic of Kenya

For the President of the Republic of Kiribati

For His Majesty the King of the Kingdom of Lesotho

For the President of the Republic of Liberia

Pour le Président de la République de Madagascar

For the President of the Republic of Malawi

Pour le Président de la République du Mali

For the Government of the Republic of the Marshall Islands

Pour le Président de la République Islamique de Mauritanie

For the President of the Republic of Mauritius

For the Government of the Federated States of Micronesia

Pour le Président de la République du Mozambique

For the President of the Republic of Namibia

For the Government of the Republic of Nauru

Pour le Président de la République du Niger

For the President of the Federal Republic of Nigeria

For the Government of Niue

For the Government of the Republic of Palau

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

Pour le Président de la République Rwandaise

For Her Majesty the Queen of Saint Kitts and Nevis

For Her Majesty the Queen of Saint Lucia

For Her Majesty the Queen of Saint Vincent and the Grenadines

For the Head of State of the Independent State of Samoa

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

Pour le Président de la République du Sénégal

Pour le Président de la République des Seychelles

For the President of the Republic of Sierra Leone

For Her Majesty the Queen of the Solomon Islands

For the President of the Republic of South Africa

For the President of the Republic of the Sudan

For the President of the Republic of Suriname

For His Majesty the King of the Kingdom of Swaziland

For the President of the United Republic of Tanzania

Pour le Président de la République du Tchad

Pour le Président de la République togolaise

For His Majesty King Taufa'ahau Tupou IV of Tonga

For the President of the Republic of Trinidad and Tobago

For Her Majesty the Queen of Tuvalu

For the President of the Republic of Uganda

For the Government of the Republic of Vanuatu

For the President of the Republic of Zambia

For the Government of the Republic of Zimbabwe

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 ACP-EC 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 Annex IV

The notification of the indicative amount referred to in Article 3 of Annex 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 annex V

The Parties have taken note that the Community intends to take the measures mentioned in the Annex, and which are laid down at the date of signing of 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
0102 90 05	reduction 100 % ad valorem customs duties
0102 90 21	reduction 100 % ad valorem customs duties
0102 90 29	reduction 100 % ad valorem customs duties
0102 90 41	reduction 100 % ad valorem customs duties
0102 90 49	reduction 100 % ad valorem customs duties
0102 90 51	reduction 100 % ad valorem customs duties
0102 90 59	reduction 100 % ad valorem customs duties
0102 90 61	reduction 100 % ad valorem customs duties
0102 90 69	reduction 100 % ad valorem customs duties
0102 90 71	reduction 100 % ad valorem customs duties
0102 90 79	reduction 100 % ad valorem customs duties
0103	Live swine
0103 91 10	reduction 16 %
0103 92 11	reduction 16 %
0103 92 19	reduction 16 %
0104	Live sheep and goats
0104 10 30	reduction 100 % customs duties within the limit of the quota (ctg1)
0104 10 80	reduction 100 % customs duties within the limit of the quota (ctg1)
0104 20 10	exemption
0104 20 90	reduction 100 % customs duties within the limit of the quota (ctg1)
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 microorganic 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	Meat of swine, fresh, chilled or frozen
0203 11 10	within the limit of the quota (ctg 7) reduction 50 %
0203 11 90	exemption
0203 12 11	within the limit of the quota (ctg 7) reduction 50 %
0203 12 19	within the limit of the quota (ctg 7) reduction 50 %

0203 12 90	exemption
0203 19 11	within the limit of the quota (ctg 7) reduction 50 %
0203 19 13	within the limit of the quota (ctg 7) reduction 50 %
0203 19 15	within the limit of the quota (ctg 7) reduction 50 %
ex 0203 19 55	within the limit of the quota (ctg 7) reduction 50 % (excluding tenderloin presented separately)
0203 19 59	within the limit of the quota (ctg 7) reduction 50 %
0203 19 90	exemption
0203 21 10	within the limit of the quota (ctg 7) reduction 50 %
0203 21 90	exemption
0203 22 11	within the limit of the quota (ctg 7) reduction 50 %
0203 22 19	within the limit of the quota (ctg 7) reduction 50 %
0203 22 90	exemption
0203 29 11	within the limit of the quota (ctg 7) reduction 50 %
0203 29 13	within the limit of the quota (ctg 7) reduction 50 %
0203 29 15	within the limit of the quota (ctg 7) reduction 50 %
ex 0203 29 55	within the limit of the quota (ctg 7) reduction 50 % (excluding tenderloin presented separately)
0203 29 59	within the limit of the quota (ctg 7) reduction 50 %
0203 29 90	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
0206 10 91	exemption
0206 10 95	reduction 100 % ad valorem customs duties (1)
0206 10 99	exemption
0206 21	exemption
0206 22	exemption
0206 29 91	reduction 100 % ad valorem customs duties (1)
0206 29 99	exemption
0206 30 21	within the limit of the quota (ctg 7) reduction 50 %
0206 30 31	within the limit of the quota (ctg 7) reduction 50 %
0206 30 90	exemption
0206 41 91	within the limit of the quota (ctg 7) reduction 50 %
0206 41 99	exemption
0206 49 91	within the limit of the quota (ctg 7) reduction 50 %
0206 49 99	exemption
0206 80	exemption
0206 90	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
0209 00 11	within the limit of the quota (ctg 7) reduction 50 %
0209 00 19	within the limit of the quota (ctg 7) reduction 50 %
0209 00 30	within the limit of the quota (ctg 7) reduction 50 %
0209 00 90	reduction 16 %
0210	Meat and edible offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal
0210 11 11	within the limit of the quota (ctg 7) reduction 50 %
0210 11 19	within the limit of the quota (ctg 7) reduction 50 %

0210 11 31	within the limit of the quota (ctg 7) reduction 50 %
0210 11 39	within the limit of the quota (ctg 7) reduction 50 %
0210 11 90	exemption
0210 12 11	within the limit of the quota (ctg 7) reduction 50 %
0210 12 19	within the limit of the quota (ctg 7) reduction 50 %
0210 12 90	exemption
0210 19 10	within the limit of the quota (ctg 7) reduction 50 %
0210 19 20	within the limit of the quota (ctg 7) reduction 50 %
0210 19 30	within the limit of the quota (ctg 7) reduction 50 %
0210 19 40	within the limit of the quota (ctg 7) reduction 50 %
0210 19 51	within the limit of the quota (ctg 7) reduction 50 %
0210 19 59	within the limit of the quota (ctg 7) reduction 50 %
0210 19 60	within the limit of the quota (ctg 7) reduction 50 %
0210 19 70	within the limit of the quota (ctg 7) reduction 50 %
0210 19 81	within the limit of the quota (ctg 7) reduction 50 %
0210 19 89	within the limit of the quota (ctg 7) reduction 50 %
0210 19 90	exemption
0210 20	reduction 100 % ad valorem customs duties
0210 90 10	exemption
0210 90 11	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
0210 90 19	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
0210 90 21	exemption
0210 90 29	exemption
0210 90 31	within the limit of the quota (ctg 7) reduction 50 %
0210 90 39	within the limit of the quota (ctg 7) reduction 50 %
0210 90 41	reduction 100 % ad valorem customs duties
0210 90 49	exemption
0210 90 60	exemption
0210 90 71	reduction 16 %
0210 90 79	reduction 16 %
0210 90 80	exemption
0210 90 90	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
0403 10 11	reduction 16 %
0403 10 13	reduction 16 %
0403 10 19	reduction 16 %
0403 10 31	reduction 16 %
0403 10 33	reduction 16 %
0403 10 39	reduction 16 %
0403 10 51	reduction 100 % ad valorem customs duties
0403 10 53	reduction 100 % ad valorem customs duties
0403 10 59	reduction 100 % ad valorem customs duties
0403 10 91	reduction 100 % ad valorem customs duties
0403 10 93	reduction 100 % ad valorem customs duties
0403 10 99	reduction 100 % ad valorem customs duties
0403 90 11	reduction 16 %
0403 90 13	reduction 16 %
0403 90 19	reduction 16 %

0403 90 31	reduction 16 %
0403 90 33	reduction 16 %
0403 90 39	reduction 16 %
0403 90 51	reduction 16 %
0403 90 53	reduction 16 %
0403 90 59	reduction 16 %
0403 90 61	reduction 16 %
0403 90 63	reduction 16 %
0403 90 69	reduction 16 %
0403 90 71	reduction 100 % ad valorem customs duties
0403 90 73	reduction 100 % ad valorem customs duties
0403 90 79	reduction 100 % ad valorem customs duties
0403 90 91	reduction 100 % ad valorem customs duties
0403 90 93	reduction 100 % ad valorem customs duties
0403 90 99	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
0407 00 11	reduction 16 %
0407 00 19	reduction 16 %
0407 00 30	reduction 16 %
0407 00 90	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
0408 11 80	reduction 16 %
0408 19 81	reduction 16 %
0408 19 89	reduction 16 %
0408 91 80	reduction 16 %
0408 99 80	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
0703 10 19	reduction 15 % from 16/5-31/1, exemption 1/2-15/5
0703 10 90	reduction 16 %
0703 20	reduction 15 % from 1/6-31/1, exemption 1/2-31/5
0703 90	reduction 16 %
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled
0704 10	reduction 16 %
0704 20	reduction 16 %
0704 90 10	reduction 16 %
0704 90 90	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
0705 11	Iceberg salad: reduction 15 % 1/11-30/6, exemption 1/7-31/10; other salads: reduction 16 %
0705 19	reduction 16 %
0705 21	reduction 16 %
0705 29	reduction 16 %
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled
0706 10	carrots: reduction 15 % 1/4-31/12, exemption 1/1-31/3; turnips: reduction 16 %
0706 90 05	reduction 16 %
0706 90 11	reduction 16 %
0706 90 17	reduction 16 %
0706 90 30	exemption
ex 0706 90 90	salad beetroot and radishes (raphanus sativus): exemption
0707	Cucumbers and gherkins, fresh or chilled
ex 0707 00 05	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
0707 00 90	reduction 16 %
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled
0708	exemption
0709	Other vegetables, fresh or chilled
0709 10	reduction 15 % from 1/1-30/9, reduction 100 % ad valorem customs duties 1/10-31/12
0709 20	reduction 15 % from 1/2-14/8, reduction 40 % du 16/1-31/1, exemption from 15/8-15/1
0709 30	exemption
0709 40	exemption
0709 51 10	reduction 16 %
0709 51 30	reduction 16 %
0709 51 50	reduction 16 %
0709 51 90	exemption
0709 52	reduction 16 %
0709 60	exemption
0709 70	reduction 16 %
0709 90 10	reduction 16 %
0709 90 20	reduction 16 %
0709 90 40	reduction 16 %
0709 90 50	reduction 16 %
0709 90 60	reduction 1,81 EUR/t
0709 90 70	reduction 100 % ad valorem customs duties
0709 90 90	exemption

0710	Vegetables, uncooked or cooked by steaming or boiling in water, frozen
0710 10	exemption
0710 21	exemption
0710 22	exemption
0710 29	exemption
0710 30	exemption
0710 40	reduction 100 % ad valorem customs duties
0710 80 51	exemption
0710 80 59	exemption
0710 80 61	exemption
0710 80 69	exemption
0710 80 70	exemption
0710 80 80	exemption
0710 80 85	exemption
0710 80 95	exemption
0710 90	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
0711 10	exemption
0711 30	exemption
0711 40	exemption
0711 90 10	exemption
0711 90 30	reduction 100 % ad valorem customs duties
0711 90 40	exemption
0711 90 60	exemption
0711 90 70	exemption
0711 90 90	exemption
0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared
0712 20	exemption
0712 30	exemption
0712 90 05	exemption
0712 90 19	reduction 1,81 EUR/t
0712 90 30	exemption
0712 90 50	exemption
ex 0712 90 90	exemption except olives
0713	Dried leguminous vegetables, shelled, 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
0714 10 10	reduction 8,38 EUR/t
0714 10 91	exemption
0714 10 99	reduction 6,19 EUR/t
0714 20	exemption
0714 90 11	exemption
0714 90 19	reduction 6,19 EUR/t; arrow-root: exemption
0714 90 90	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 shelled or peeled
0801	exemption
0802	Other nuts, fresh or dried, whether or not shelled or peeled (excl. coconuts, brazil nuts and cashew nuts)
0802 11 90	reduction 16 %
0802 12 90	reduction 16 %
0802 21	reduction 16 %
0802 22	reduction 16 %
0802 31	exemption

0802 32	exemption
0802 40	reduction 16 %
0802 50	exemption
0802 90	exemption
0803	Bananas, incl. plantains, fresh or dried
0803 00 11	exemption
0803 00 19	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.
0803 00 90	exemption
0804	Dates, figs, pineapples, avocados, guavas, mangoes and mangosteens, fresh or dried
0804 10	exemption
0804 20 10	exemption from 1/11-30/4 within the limit of the ceiling (ceiling 3)
0804 20 90	exemption
0804 30	exemption
0804 40	exemption
0804 50	exemption
0805	Citrus fruit, fresh or dried
0805 10	reduction 80 % ad valorem customs duties; within the framework of the reference quantity (rq 1) 15/5-30/9
0805 20	reduction 100 % ad valorem customs duties (*) reduction 80 % ad valorem customs duties; within the framework of the reference quantity (rq 2) 15/5-30/9
0805 30 90	reduction 100 % ad valorem customs duties (*)
0805 40	exemption
0805 90	exemption
0806	Grapes, fresh or dried
ex 0806 10 10	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 (4) from 1/2-31/3 exemption (4)
0806 20	exemption
0807	Melons, incl. watermelons, and papaws 'papayas', fresh
0807	exemption
0808	Apples, pears and quinces, fresh
0808 10	within the limit of the quota (ctg 15) reduction 50 % ad valorem customs duties
0808 20 10	within the limit of the quota (ctg 16) reduction 65 % ad valorem customs duties
0808 20 50	within the limit of the quota (ctg 16) reduction 65 % ad valorem customs duties
0808 20 90	reduction 16 %
0809	Apricots, cherries, peaches incl. nectarines, plums and sloes, fresh
0809 10	from 1/5-31/8 reduction 15 % ad valorem customs duties, 1/9-30/4 exemption
0809 20 05	from 1/11-31/3: exemption
0809 30	from 1/4-30/11 reduction 15 % ad valorem customs duties, 1/12-31/3 exemption
0809 40 05	from 1/4-14/12 reduction 15 % ad valorem customs duties, 15/12-31/3 exemption
0809 40 90	exemption
0810	Strawberries, raspberries, blackberries, black, white or red currants, gooseberries and other edible fruit, not elsewhere specified or included, fresh
0810 10 05	within the limit of the quota (ctg 17) from 1/11-29/2 exemption
0810 10 80	within the limit of the quota (ctg 17) from 1/11-29/2 exemption
0810 20	reduction 16 %
0810 30	reduction 16 %
0810 40 30	exemption
0810 40 50	duty = 3 %
0810 40 90	duty = 5 %
0810 90	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
0811 10 11	reduction 100 % ad valorem customs duties
0811 10 19	exemption
0811 10 90	exemption
0811 20 11	reduction 100 % ad valorem customs duties
0811 20 19	exemption
0811 20 31	exemption
0811 20 39	exemption
0811 20 51	exemption
0811 20 59	exemption
0811 20 90	exemption
0811 90 11	reduction 100 % ad valorem customs duties
0811 90 19	reduction 100 % ad valorem customs duties
0811 90 31	exemption
0811 90 39	exemption
0811 90 50	exemption
0811 90 70	exemption
0811 90 75	exemption
0811 90 80	exemption
0811 90 85	exemption
0811 90 95	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
0812 10	exemption
0812 20	exemption
0812 90 10	exemption
0812 90 20	exemption
0812 90 30	exemption
0812 90 40	exemption
0812 90 50	exemption
0812 90 60	exemption
0812 90 70	exemption
0812 90 95	exemption
0813	Apricots, prunes, apples, peaches, pears, pawpaws, 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
09	COFFEE, TEA, MATE AND SPICES
09	exemption
10	CEREALS
1001	Wheat and meslin
1001 10	within the limit of the quota (ctg 10) reduction 50 %
1001 90 10	exemption
1001 90 91	within the limit of the quota (ctg 10) reduction 50 %
1001 90 99	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
1005 10 90	reduction 1,81 EUR/t
1005 90	reduction 1,81 EUR/t
1006	Rice
1006 10 10	exemption
1006 10 21	within the limit of the quota (ctg 11) reduction 65 % et 4,34 EUR/t ⁽²⁾
1006 10 23	within the limit of the quota (ctg 11) reduction 65 % et 4,34 EUR/t ⁽²⁾
1006 10 25	within the limit of the quota (ctg 11) reduction 65 % et 4,34 EUR/t ⁽²⁾
1006 10 27	within the limit of the quota (ctg 11) reduction 65 % et 4,34 EUR/t ⁽²⁾
1006 10 92	within the limit of the quota (ctg 11) reduction 65 % et 4,34 EUR/t ⁽²⁾
1006 10 94	within the limit of the quota (ctg 11) reduction 65 % et 4,34 EUR/t ⁽²⁾
1006 10 96	within the limit of the quota (ctg 11) reduction 65 % et 4,34 EUR/t ⁽²⁾
1006 10 98	within the limit of the quota (ctg 11) reduction 65 % et 4,34 EUR/t ⁽²⁾
1006 20	within the limit of the quota (ctg 11) reduction 65 % et 4,34 EUR/t ⁽²⁾
1006 30	within the limit of the quota (ctg 11) reduction de 16,78 EUR/t, then reduced by 65 % and 6,52 EUR/t ⁽²⁾
1006 40	within the limit of the quota (ctg 12) reduction 65 % et 3,62 EUR/t ⁽²⁾
1007	Grain sorghum
1007	reduction 60 % within the limit of the ceiling (ceiling3) ⁽³⁾
1008	Buckwheat, millet, canary seed and other cereals (excl. wheat and meslin, rye, barley, oats, maize, rice and grain sorghum)
1008 10	within the limit of the quota (ctg 10) reduction 50 %
1008 20	reduction 100 % within the limit of the ceiling (ceiling2) ⁽³⁾
1008 90	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)
1102 10	reduction 16 %
1102 20 10	reduction 7,3 EUR/t
1102 20 90	reduction 3,6 EUR/t
1102 30	reduction 3,6 EUR/t
1102 90 10	reduction 7,3 EUR/t
1102 90 30	reduction 7,3 EUR/t
1102 90 90	reduction 3,6 EUR/t
1103	Cereal groats, meal and pellets
1103 11	reduction 16 %
1103 12	reduction 7,3 EUR/t
1103 13 10	reduction 7,3 EUR/t
1103 13 90	reduction 3,6 EUR/t
1103 14	reduction 3,6 EUR/t
1103 19 10	reduction 7,3 EUR/t
1103 19 30	reduction 7,3 EUR/t
1103 19 90	reduction 3,6 EUR/t
1103 21	reduction 7,3 EUR/t
1103 29 10	reduction 7,3 EUR/t
1103 29 20	reduction 7,3 EUR/t
1103 29 30	reduction 7,3 EUR/t
1103 29 40	reduction 7,3 EUR/t
1103 29 50	reduction 3,6 EUR/t
1103 29 90	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)
1104 11 10	reduction 3,6 EUR/t
1104 11 90	reduction 7,3 EUR/t
1104 12 10	reduction 3,6 EUR/t

1104 12 90	reduction 7,3 EUR/t
1104 19	reduction 7,3 EUR/t
1104 21 10	reduction 3,6 EUR/t
1104 21 30	reduction 3,6 EUR/t
1104 21 50	reduction 7,3 EUR/t
1104 21 90	reduction 3,6 EUR/t
1104 21 99	reduction 3,6 EUR/t
1104 22	reduction 3,6 EUR/t
1104 23	reduction 3,6 EUR/t
1104 29	reduction 3,6 EUR/t
1104 30	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
1106 10	exemption
1106 20 10	reduction 7,98 EUR/t; arrow-root: exemption
1106 20 90	reduction 29,18 EUR/t; arrow-root: exemption
1106 30	exemption
1108	Starches; inulin
1108 11	reduction 24,8 EUR/t
1108 12	reduction 24,8 EUR/t
1108 13	reduction 24,8 EUR/t
1108 14	reduction 50 % + reduction 24,8 EUR/t
1108 19 10	reduction 37,2 EUR/t
1108 19 90	reduction 50 % + reduction 24,8 EUR/t; arrow-root: exemption
1108 20	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)
1208 10	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
1212 10	exemption
1212 30	exemption
1212 91	reduction 16 % ⁽⁵⁾
1212 92	reduction 16 % ⁽⁵⁾
1212 99 10	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
1214 90 10	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
1517 10 10	reduction 100 % ad valorem customs duties
1517 10 90	exemption
1517 90 10	reduction 100 % ad valorem customs duties
1517 90 91	exemption
1517 90 93	exemption
1517 90 99	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 spermaceti, whether or not refined or coloured (excl. triglycerides)
1521	exemption
1522	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes
1522 00 10	exemption
1522 00 91	exemption
1522 00 99	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
1601	within the limit of the quota (ctg 8) reduction 65 %
1602	Prepared or preserved meat, offal or blood (excl. sausages and similar products, and meat extracts and juices)
1602 10	reduction 16 %
1602 20 11	exemption
1602 20 19	exemption
1602 20 90	reduction 16 %
1602 31	within the limit of the quota (ctg 4) reduction 65 %
1602 32	within the limit of the quota (ctg 4) reduction 65 %
1602 39	within the limit of the quota (ctg 4) reduction 65 %
1602 41 10	reduction 16 %
1602 41 90	exemption
1602 42 10	reduction 16 %
1602 42 90	exemption
1602 49	reduction 16 %
1602 50 31	exemption
1602 50 39	exemption
1602 50 80	exemption
1602 90 10	reduction 16 %
1602 90 31	exemption
1602 90 41	exemption
1602 90 51	reduction 16 %
1602 90 69	exemption
1602 90 72	exemption
1602 90 74	exemption
1602 90 76	exemption
1602 90 78	exemption
1602 90 98	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
1702 11	reduction 16 %
1702 19	reduction 16 %
1702 20	reduction 16 % ⁽⁵⁾
1702 30 10	reduction 16 % ⁽⁵⁾
1702 30 51	reduction 117 EUR/t
1702 30 59	reduction 81 EUR/t
1702 30 91	reduction 117 EUR/t
1702 30 99	reduction 81 EUR/t
1702 40 10	reduction 16 % ⁽⁵⁾
1702 40 90	reduction 81 EUR/t
1702 50	exemption
1702 60	reduction 16 % ⁽⁵⁾
1702 90 10	exemption
1702 90 30	reduction 16 % ⁽⁵⁾
1702 90 50	reduction 81 EUR/t
1702 90 60	reduction 16 % ⁽⁵⁾
1702 90 71	reduction 16 % ⁽⁵⁾
1702 90 75	reduction 117 EUR/t
1702 90 79	reduction 81 EUR/t
1702 90 80	reduction 16 % ⁽⁵⁾
1702 90 99	reduction 16 % ⁽⁵⁾
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
1704 10	reduction 100 % ad valorem customs duties
1704 90 10	exemption
1704 90 30	exemption
1704 90 51	reduction 100 % ad valorem customs duties
1704 90 55	reduction 100 % ad valorem customs duties
1704 90 61	reduction 100 % ad valorem customs duties
1704 90 65	reduction 100 % ad valorem customs duties
1704 90 71	reduction 100 % ad valorem customs duties
1704 90 75	reduction 100 % ad valorem customs duties
1704 90 81	reduction 100 % ad valorem customs duties
1704 90 99	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
1806 10 15	exemption
1806 10 20	reduction 100 % ad valorem customs duties
1806 10 30	reduction 100 % ad valorem customs duties
1806 10 90	reduction 100 % ad valorem customs duties
1806 20	exemption
1806 31	exemption
1806 32	exemption
1806 90 11	exemption
1806 90 19	exemption
1806 90 31	exemption
1806 90 39	exemption
1806 90 50	exemption
1806 90 60	reduction 100 % ad valorem customs duties
1806 90 70	reduction 100 % ad valorem customs duties
1806 90 90	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 < 40 % not elsewhere specified or included; food preparations of goods of headings 0401 to 0404
1901 10	reduction 100 % ad valorem customs duties; exemption EA under the condition (c1)
1901 20	reduction 100 % ad valorem customs duties; exemption EA under the condition (c1)
1901 90 11	reduction 100 % ad valorem customs duties
1901 90 19	reduction 100 % ad valorem customs duties
1901 90 91	exemption
1901 90 99	reduction 100 % ad valorem customs duties; exemption EA under the condition (c1)
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
1902 11	reduction 100 % ad valorem customs duties
1902 19	reduction 100 % ad valorem customs duties
1902 20 10	exemption
1902 20 30	reduction 16 %
1902 20 91	reduction 100 % ad valorem customs duties
1902 20 99	reduction 100 % ad valorem customs duties
1902 30	reduction 100 % ad valorem customs duties
1902 40	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
1905 10	reduction 100 % ad valorem customs duties
1905 20	reduction 100 % ad valorem customs duties
1905 30 11	reduction 100 % ad valorem customs duties; biscuits: exemption
1905 30 19	reduction 100 % ad valorem customs duties; biscuits: exemption
1905 30 30	reduction 100 % ad valorem customs duties
1905 30 51	reduction 100 % ad valorem customs duties
1905 30 59	reduction 100 % ad valorem customs duties
1905 30 91	reduction 100 % ad valorem customs duties
1905 30 99	reduction 100 % ad valorem customs duties
1905 40	reduction 100 % ad valorem customs duties
1905 90	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
2001 10	exemption
2001 20	exemption
2001 90 20	exemption
2001 90 30	reduction 100 % ad valorem customs duties
2001 90 40	reduction 100 % ad valorem customs duties
2001 90 50	exemption
2001 90 60	exemption
2001 90 65	exemption
2001 90 70	exemption
2001 90 75	exemption
2001 90 85	exemption
2001 90 91	exemption
ex 2001 90 96	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)
2004 10 10	exemption
2004 10 91	reduction 100 % ad valorem customs duties
2004 10 99	exemption
2004 90 10	reduction 100 % ad valorem customs duties
ex 2004 90 30	exemption except olives
2004 90 50	exemption
2004 90 91	exemption
2004 90 98	exemption
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid (excl. frozen, and tomatoes, mushrooms and truffles)
2005 10	exemption
2005 20 10	reduction 100 % ad valorem customs duties
2005 20 20	reduction 16 %
2005 20 80	reduction 16 %
2005 40	exemption
2005 51	exemption
2005 59	exemption
2005 60	exemption
2005 70	exemption
2005 80	reduction 100 % ad valorem customs duties
2005 90	exemption
2006	Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar, drained, glace or crystallized
2006 00 31	reduction 100 % ad valorem customs duties
2006 00 35	reduction 100 % ad valorem customs duties
2006 00 38	reduction 100 % ad valorem customs duties
2006 00 91	exemption
2006 00 99	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
2007 10 10	exemption
2007 10 91	exemption
2007 10 99	exemption
2007 91 10	reduction 100 % ad valorem customs duties
2007 91 30	reduction 100 % ad valorem customs duties
2007 91 90	exemption
2007 99 10	exemption
2007 99 20	exemption

2007 99 31	exemption
2007 99 33	exemption
2007 99 35	exemption
2007 99 39	exemption
2007 99 51	exemption
2007 99 55	exemption
2007 99 58	exemption
2007 99 91	exemption
2007 99 93	exemption
2007 99 98	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
2008 11	exemption
2008 19	exemption
2008 20	exemption
2008 30 11	exemption
2008 30 19	reduction 100 % ad valorem customs duties; grapefruit: exemption
2008 30 31	exemption
2008 30 39	exemption
2008 30 51	exemption
2008 30 55	exemption
2008 30 59	exemption
2008 30 71	exemption
2008 30 75	exemption
2008 30 79	exemption
2008 30 91	exemption
2008 30 99	exemption
2008 40	exemption
2008 50 11	exemption
2008 50 19	reduction 100 % ad valorem customs duties
2008 50 31	exemption
2008 50 39	exemption
2008 50 51	reduction 100 % ad valorem customs duties
2008 50 59	exemption
2008 50 61	exemption
2008 50 69	exemption
2008 50 71	exemption
2008 50 79	exemption
2008 50 92	exemption
2008 50 94	exemption
2008 50 99	exemption
2008 60 11	exemption
2008 60 19	reduction 100 % ad valorem customs duties
2008 60 31	exemption
2008 60 39	exemption
2008 60 51	exemption
2008 60 59	exemption
2008 60 61	exemption
2008 60 69	exemption
2008 60 71	exemption
2008 60 79	exemption
2008 60 91	exemption
2008 60 99	exemption
2008 70 11	exemption
2008 70 19	reduction 100 % ad valorem customs duties
2008 70 31	exemption
2008 70 39	exemption
2008 70 51	reduction 100 % ad valorem customs duties
2008 70 59	exemption
2008 70 61	exemption
2008 70 69	exemption
2008 70 71	exemption
2008 70 79	exemption
2008 70 92	exemption
2008 70 94	exemption
2008 70 99	exemption
2008 80	exemption

2008 91	exemption
2008 92 12	exemption
2008 92 14	exemption
2008 92 16	exemption
2008 92 18	exemption
2008 92 32	exemption
2008 92 34	exemption
2008 92 36	exemption
2008 92 38	exemption
2008 92 51	exemption
2008 92 59	exemption
2008 92 72	exemption
2008 92 74	exemption
2008 92 76	exemption
2008 92 78	exemption
2008 92 92	exemption
2008 92 93	exemption
2008 92 94	exemption
2008 92 96	exemption
2008 92 97	exemption
2008 92 98	exemption
2008 99 11	exemption
2008 99 19	exemption
2008 99 21	exemption
2008 99 23	exemption
2008 99 25	exemption
2008 99 26	exemption
2008 99 28	exemption
2008 99 32	exemption
2008 99 33	reduction 100 % ad valorem customs duties
2008 99 34	reduction 100 % ad valorem customs duties
2008 99 36	exemption
2008 99 37	exemption
2008 99 38	exemption
2008 99 40	exemption
2008 99 43	exemption
2008 99 45	exemption
2008 99 46	exemption
2008 99 47	exemption
2008 99 49	exemption
2008 99 53	exemption
2008 99 55	exemption
2008 99 61	exemption
2008 99 62	exemption
2008 99 68	exemption
2008 99 72	exemption
2008 99 74	exemption
2008 99 79	exemption
ex 2008 99 85	exemption except sweet corn
2008 99 91	reduction 100 % ad valorem customs duties
ex 2008 99 99	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
2009 11 11	reduction 100 % ad valorem customs duties
2009 11 19	exemption
2009 11 91	reduction 100 % ad valorem customs duties
2009 11 99	exemption
2009 19 11	reduction 100 % ad valorem customs duties
2009 19 19	exemption
2009 19 91	reduction 100 % ad valorem customs duties
2009 19 99	exemption
2009 20	exemption
2009 30 11	reduction 100 % ad valorem customs duties
2009 30 19	exemption
2009 30 31	exemption
2009 30 39	exemption
2009 30 51	reduction 100 % ad valorem customs duties
2009 30 55	exemption
2009 30 59	exemption
2009 30 91	reduction 100 % ad valorem customs duties

2009 30 95	exemption
2009 30 99	exemption
2009 40	exemption
2009 50	exemption
2009 60	exemption
2009 70 11	reduction 100 % ad valorem customs duties
2009 70 19	exemption
2009 70 30	exemption
2009 70 91	reduction 100 % ad valorem customs duties
2009 70 93	exemption
2009 70 99	exemption
2009 80 11	reduction 100 % ad valorem customs duties
2009 80 19	exemption
2009 80 32	exemption
2009 80 33	reduction 100 % ad valorem customs duties
2009 80 35	reduction 100 % ad valorem customs duties
2009 80 36	exemption
2009 80 38	exemption
2009 80 50	exemption
2009 80 61	reduction 100 % ad valorem customs duties
2009 80 63	exemption
2009 80 69	exemption
2009 80 71	exemption
2009 80 73	exemption
2009 80 79	exemption
2009 80 83	exemption
2009 80 84	reduction 100 % ad valorem customs duties
2009 80 86	reduction 100 % ad valorem customs duties
2009 80 88	exemption
2009 80 89	exemption
2009 80 95	exemption
2009 80 96	exemption
2009 80 97	exemption
2009 80 99	exemption
2009 90 11	reduction 100 % ad valorem customs duties
2009 90 19	exemption
2009 90 21	reduction 100 % ad valorem customs duties
2009 90 29	exemption
2009 90 31	reduction 100 % ad valorem customs duties
2009 90 39	exemption
2009 90 41	exemption
2009 90 49	exemption
2009 90 51	exemption
2009 90 59	exemption
2009 90 71	reduction 100 % ad valorem customs duties
2009 90 73	exemption
2009 90 79	exemption
2009 90 92	exemption
2009 90 94	reduction 100 % ad valorem customs duties
2009 90 95	exemption
2009 90 99	exemption
2009 90 97	exemption
2009 90 98	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
2101 11	exemption
2101 12	exemption
2101 20	exemption
2101 30 11	exemption
2101 30 19	reduction 100 % ad valorem customs duties
2101 30 91	exemption
2101 30 99	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)
2102 10 10	exemption

2102 10 31	reduction 100 % ad valorem customs duties
2102 10 39	reduction 100 % ad valorem customs duties
2102 10 90	exemption
2102 20	exemption
2102 30	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
2106 10	reduction 100 % ad valorem customs duties
2106 90 20	exemption
2106 90 30	reduction 16 % ⁽⁵⁾
2106 90 51	reduction 16 %
2106 90 55	reduction 81 EUR/t
2106 90 59	reduction 16 % ⁽⁵⁾
2106 90 92	exemption
2106 90 98	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)
2202 10	exemption
2202 90 10	exemption
2202 90 91	reduction 100 % ad valorem customs duties
2202 90 95	reduction 100 % ad valorem customs duties
2202 90 99	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 > 0,5 % vol. whether or not with added alcohol
2204 30 92	exemption
2204 30 94	exemption
2204 30 96	exemption
2204 30 98	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
2206 00 31	exemption
2206 00 39	exemption
2206 00 51	exemption
2206 00 59	exemption
2206 00 81	exemption
2206 00 89	exemption

2207	Undenatured ethyl alcohol of an alcoholic strength by volume of ≥ 80 %; ethyl alcohol and other spirits, denatured, of any strength
2207	exemption
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of < 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
2209 00 91	exemption
2209 00 99	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
2302 10	reduction 7,2 EUR/t
2302 20	reduction 7,2 EUR/t
2302 30	reduction 7,2 EUR/t
2302 40	reduction 7,2 EUR/t
2302 50	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
2303 10 11	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
2308 90 90	exemption
2309	Preparations of a kind used in animal feeding
2309 10 13	reduction 10,9 EUR/t
2309 10 15	reduction 16 %
2309 10 19	reduction 16 %
2309 10 33	reduction 10,9 EUR/t
2309 10 39	reduction 16 %
2309 10 51	reduction 10,9 EUR/t
2309 10 53	reduction 10,9 EUR/t
2209 10 59	reduction 16 %
2309 10 70	reduction 16 %
2309 10 90	exemption
2309 90 10	exemption
2309 90 31	reduction 10,9 EUR/t
2309 90 33	reduction 10,9 EUR/t
2309 90 35	reduction 16 %
2309 90 39	reduction 16 %
2309 90 41	reduction 10,9 EUR/t
2309 90 43	reduction 10,9 EUR/t
2309 90 49	reduction 16 %
2309 90 51	reduction 10,9 EUR/t
2309 90 53	reduction 10,9 EUR/t
2309 90 59	reduction 16 %
2309 90 70	reduction 16 %
2309 90 91	exemption
24	TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES
24	exemption ⁽⁶⁾
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
3302 10 29	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
3502 11 90	reduction 100 % ad valorem customs duties
3502 19 90	reduction 100 % ad valorem customs duties
3502 20 91	reduction 100 % ad valorem customs duties
3502 20 99	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. pregelatinised or esterified starches; glues based on starches, dextrins or other modified starches (excl. those put up for retail sale and weighing ≤ 1 kg)
3505 10 10	reduction 100 % ad valorem customs duties
3505 10 50	exemption
3505 10 90	reduction 100 % ad valorem customs duties
3505 20	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
3809 10	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
3824 60	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 29 91	
0709 90 60	Sweet corn
0712 10 90	
1005 90 00	
0714 10 91-0714 90 11	
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 2 000 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	1 000 tons	Milk and cream
quota 6	1 000 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 Annex V to this Agreement, the Community shall not discriminate between ACP States in the trade regime provided for in the framework of that Annex, 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 Annex 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 Annex V**

The Parties agree that the consultations referred to in Article 12 of Annex 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 Annex 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 Annex 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 Annex 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 Annex 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 Annex 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 Annex 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.

**DECISION BY THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,
MEETING WITHIN THE COUNCIL,**

of 3 October 2000

on the provisional application of the Internal Agreement between Representatives of the Member States, meeting within the Council, on the financing and administration of Community Aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Cotonou (Benin) on 23 June 2000 and the allocation of financial assistance for the Overseas Countries and Territories to which part Four of the EC Treaty applies

(2000/770/EC)

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

Having regard to the Treaty establishing the European Community,

Having regard to the ACP-EC Partnership signed in Cotonou (Benin) on 23 June 2000, hereafter referred to as the 'ACP-EC Agreement',

Having regard to the draft from the Commission,

Whereas:

- (1) The ACP-EC Agreement will not enter into force until the constitutional requirements of each Member State have been completed in accordance with Article 93 thereof.
- (2) The ACP-EC Committee of Ambassadors took a Decision on 28 February whereby transitional measures applicable until 1 August 2000 were adopted.
- (3) In accordance with Article 366(3) of the Fourth ACP-EC Convention, as amended by the agreement signed in Mauritius on 4 November 1995, the ACP-EC Council of Ministers has adopted through Decision 1/2000 1⁽¹⁾ transitional measures to cover the period between 2 August 2000 until the ACP-EC Agreement enters into force.
- (4) In accordance with Article 6 of Decision 1/2000, the Member States and Community will be required to take the steps appropriate to each of them with regard to the implementation of the transitional measures.
- (5) The Member States, meeting within the Council, have reached a consensus concerning an Internal Agreement on the financing and administration of Community aid to the ACP States that corresponds to the provisions on programming and implementation of the Agreement.

This Agreement will not enter into force before adoption by each Member State in accordance with its own constitutional requirements.

- (6) Certain provisions of the Internal Agreement should be applied on a provisional basis pending its entry into force,

HAVE DECIDED AS FOLLOWS:

Article 1

The following provisions of the Internal Agreement relating to the 9th European Development Fund shall be applied provisionally as of the date of adoption of this Decision:

- (1) Articles 14, 15, 16, 19(1), 19(2), 19(3) and 19(4) relating to the implementation of the programming process;
- (2) Articles 21 to 27 for the purposes of the implementation of the programming process;
- (3) Articles 29 and 30 for the purposes of the preparation of the functioning of the Investment Facility; and
- (4) Article 31 for the purposes of the adoption of the Financial Regulation.

Article 2

This Decision shall remain in force until the entry into force of the Internal Agreement, but no longer than 1 June 2002.

The Representatives of the Governments of the Member States may decide to extend its applicability.

It shall be published in the Official Journal of the European Communities.

Done at Brussels, the 3 October 2000.

On behalf of the Governments of the Member States

The President

C. PIERRET

⁽¹⁾ OJ L 195, 1.8.2000, p. 46.

INTERNAL AGREEMENT

between Representatives of the Governments of the Member States, meeting within the Council, on the Financing and Administration of Community Aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Cotonou (Benin) on 23 June 2000 and the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies

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

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) The Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Cotonou, Benin on 23 June 2000 (hereinafter referred to as 'the ACP-EC Agreement') sets the aggregate amount of Community aid to the ACP States for the five-year period 2000-2005 at EUR 15 200 million. This amount is comprised of, on the one hand, EUR 13 500 million from the 9th European Development Fund (9th EDF) contributed by Member States and, on the other hand, EUR 1 700 million from the European Investment Bank (hereinafter referred to as 'the Bank').
- (2) In addition, any balances from previous European Development Funds as of the day of entry into force of the Financial Protocol to the ACP-EC Agreement will be transferred to the 9th EDF and used in accordance with the conditions laid down in the ACP-EC Agreement. The total amount foreseen will cover the period 2000-2007. This period comprises the period of approximately two years required for ratification of the 9th EDF and the two years following the expiry of the 9th EDF.
- (3) Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community, has been extended until 28 February 2001 by Decision 2000/169/EC⁽¹⁾. A new decision on the basis of Article 187 of the Treaty will be adopted before that date. This decision will set at EUR 175 million the amount of the 9th EDF for financial assistance to the Overseas Countries and Territories (hereafter referred to as 'the OCT') to which Part Four of the Treaty applies. Provision is also made for the allotment of an amount of up to EUR 20 million to be undertaken by the Bank from its own resources in the OCT. In addition any balances from previous EDFs allocated to the OCT as of the day of entry into force of this Agreement will be transferred to the 9th EDF and used in accordance with the conditions laid down in the said Decision.
- (4) The representatives of the governments of the Member States, meeting within the Council, have agreed to set aside EUR 125 million to finance costs incurred by the Commission in the implementation of the 9th EDF.
- (5) In order to implement the ACP-EC Agreement and the future Decision concerning the association of the OCT (hereinafter referred to as 'the Decision'), a 9th EDF should be established and a procedure laid down for the allocation of funds and for contributions from Member States to those funds.
- (6) The rules for the administration of financial cooperation should be determined, the procedure for programming, examining and approving aid should be decided and the detailed rules for supervising the use of aid should be laid down.
- (7) The Conclusions on the financial allocation for the 9th EDF, drawn up in the Ministerial Coordination on behalf of the European Community with regard to the 3rd ACP-EC Ministerial Negotiating Conference of 6 and 7 December 1999, note the Commission's intention to decentralise its administrative decision-making and emphasise the need for reforms aiming at a redefinition of the respective roles of the Commission and the Council in the decision-making process of the European Development Fund.
- (8) The declaration by the Council and the Commission on the programming process noted in the minutes of the ACP-EC Ministerial Negotiating Conference of 2 and 3 February 2000 states that the procedures and reporting requirements surrounding the programming process must be managed in a disciplined manner and that the respective roles of the Member States and the Commission in the decision making process must be reviewed and adapted.

⁽¹⁾ OJ L 263, 19.9.1991, p. 1. Decision as amended by Decision 97/803/EC (OJ L 329, 29.11.1997, p. 50) and extended by Decision 2000/169/EC (OJ L 55, 29.2.2000, p. 67).

- (9) The Council Conclusions of 21 May 1999 on the evaluation of European Community development instruments and programmes set out various ways in which the Council calls on the Commission and Member States to improve the efficiency of European Community development aid, including deconcentration to delegations, increased coordination and complementarity among donors, a reduced number of instruments, increased use of performance criteria and a reorientation of the work of development management committees.
- (10) The Council of 21 May 1999 adopted a Resolution on complementarity between Community and Member States' development cooperation. The Council of 18 May 2000 adopted conclusions on operational coordination. These documents reiterated the need for closer coordination and complementarity and also the need for the partner country to have a leading role in this process.
- (11) A Committee of Representatives of the Governments of Member States should be set up at the Commission and a similar Committee should be set up at the Bank. The work of the Commission and the Bank to apply the ACP-EC Agreement and the corresponding provisions of the Decision should be harmonised,

After consulting the Commission and the Bank,

HAVE AGREED AS FOLLOWS:

CHAPTER I

FINANCIAL RESOURCES

Article 1

Resources of the 9th EDF

1. The Member States hereby set up a ninth European Development Fund (2000), hereinafter referred to as 'the 9th EDF'.
2. The 9th EDF shall consist of:
 - (a) An amount of up to EUR 13 800 million contributed by the Member States as follows:

Member State	Contribution in million EUR
Belgium	540,96
Denmark	295,32
Germany	3 223,68
Greece	172,50
Spain	805,92
France	3 353,40
Ireland	85,56
Italy	1 730,52
Luxembourg	40,02
Netherlands	720,36
Austria	365,70
Portugal	133,86
Finland	204,24
Sweden	376,74
United Kingdom	1 751,22
	13 800,00

Within this total amount,

- (i) EUR 13 500 million shall be allocated for the ACP States;
 - (ii) EUR 175 million shall be allocated to the OCT;
 - (iii) EUR 125 million shall be allocated to the Commission for costs linked to implementation of the 9th EDF.
- (b) Any balances remaining from previous EDFs on the date of entry into force of the Financial Protocol to the ACP-EC Agreement, as well as any amounts that will be decommitted at a later date from ongoing projects under these EDF, shall be transferred to the 9th EDF. Any resources thus transferred to the 9th EDF that previously had been allocated to the indicative programme of an ACP State, ACP region or an OCT will remain allocated to that State, region or OCT.
- (c) The overall amount foreseen for assistance to the ACP shall be supplemented by the remaining balances from previous EDFs. The total amount of resources shall cover the period 2000-2007.

3. The revenue accruing from interest on the appropriations referred to in paragraph 2 of this Article deposited with the paying agents in Europe referred to in Article 37(1) of Annex IV to the ACP-EC Agreement shall be credited to one or more bank accounts opened in the name of the Commission, and shall be used in accordance with the terms of Article 10.

4. The allocation of contributions referred to in paragraph 2(a) shall be amended by a decision of the Council acting unanimously, on the basis of a proposal from the Commission, should a new State accede to the Community.

5. Financial resources may also be adjusted, by a decision of the Council acting unanimously, in accordance with Article 62(2) of the ACP-EC Partnership Agreement.

Article 2

Resources reserved for the ACP States

1. Out of the total amount stated in Article 1(2)(a), an amount of up to EUR 13 500 million shall be reserved for the ACP States and allocated as follows:

- (a) up to EUR 10 000 million in the form of grants comprising up to:
 - (i) EUR 9 836 million reserved for support for long-term development to be programmed in accordance with Articles 1 to 5 of Annex IV to the ACP-EC Agreement. These resources may be used to finance short-term emergency actions in accordance with Article 72(3) of the ACP-EC Agreement;
 - (ii) EUR 90 million reserved for the financing of the budget of the Centre for Development of Enterprise (CDE) in accordance with the provisions of Annex III to the ACP-EC Agreement;
 - (iii) EUR 70 million reserved for the financing of the budget of the Technical Centre for Agriculture and Rural Cooperation (CTA) in accordance with the provisions of Annex III to the ACP-EC Agreement; and
 - (iv) EUR 4 million for the expenditure relating to the ACP-EC Joint Assembly, constituted by Article 17 of the ACP-EC Agreement.
- (b) up to EUR 1 300 million reserved for the financing of support for regional cooperation and integration of the ACP States in accordance with Articles 6 to 14 of Annex IV to the ACP-EC Agreement.
- (c) up to EUR 2 200 million shall be allocated to finance the Investment Facility in accordance with the terms and conditions set out in Annex II ('Terms and conditions of financing') to the ACP-EC Agreement, without prejudice to the financing of the interest rate subsidies provided for in Articles 2 and 4 of Annex II to the Agreement funded from the resources mentioned in Article 3(a) of Annex I thereto.

2. Out of the EUR 13 500 million referred to in paragraph 1, an amount of EUR 1 000 million may be released only following a performance review undertaken by the Council in 2004, on the basis of a proposal from the Commission. These resources shall, if released, be distributed as appropriate to the envelopes referred to in paragraphs 1(a), (b) and (c).

3. Before the expiry of the 9th EDF, the Member States shall, in accordance with paragraph 7 of the Financial Protocol of the ACP-EC Agreement, together with the ACP States assess the degree of realisation of commitments and disbursements. The need for new resources to support financial cooperation shall be established in the light of this assessment and shall take full account of the uncommitted and non-disbursed resources under the 9th EDF.

4. Before the expiry of the 9th EDF, the Member States shall set a date beyond which the funds of the 9th EDF may no longer be committed.

Article 3

Resources reserved for the OCT

1. The overall amount of financial assistance to the OCT allocated by the Community in the form of grants out of the overall amount stated in Article 1(2)(a) shall be EUR 175 million of which EUR 155 million in the form of grants and EUR 20 million under the Investment Facility. The rules governing the implementation of this assistance shall be laid down in the Council Decision on the association of the OCT with the Community, adopted pursuant to Article 187 of the Treaty.

2. Where an OCT becomes independent and accedes to the ACP-EC Agreement, the amounts indicated in paragraph 1 of this Article shall be reduced and those indicated in Article 2(a)(i) correspondingly increased by a decision of the Council acting unanimously on a proposal from the Commission.

Article 4

Resources reserved for costs linked to implementation

An amount of EUR 125 million shall be reserved for the financing of costs linked to implementation incurred by the Commission in the framework of the ACP-EC Agreement. It shall be utilised in accordance with the principles set out in Article 10 of this Agreement together with the resources referred to in Article 1(3) of this Agreement.

Article 5

Loans from Bank own resources

1. To the amount laid down in Article 1(2) shall be added up to EUR 1 720 million in the form of loans granted by the Bank from its own resources. These resources shall be granted for the purposes set out in Annex II to the ACP-EC Agreement and the Council Decision in force adopted pursuant to Article 187 of the Treaty with regard to the OCT (hereafter referred to as 'Decision'), 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 Annex and Decision.

2. These loans shall be allocated as follows:
 - (a) an amount of up to EUR 1 700 million for financing operations to be carried out in the ACP States;
 - (b) an amount of up to EUR 20 million for financing operations to be carried out in the OCT.

Article 6

Guarantee for the Bank

1. The Member States undertake to act as guarantor for the Bank, waiving any right to object and in proportion to their contributions to its capital, in respect of all financial commitments arising for its borrowers out of the loan contracts concluded by the Bank with its own resources pursuant to Article 1 of Annex II to the ACP-EC Agreement and the corresponding provisions of the Decision.
2. The guarantee referred to in paragraph 1 shall be restricted to 75 % of the total amount of the credits opened by the Bank under all the loan contracts; it shall be applied to cover all risks.
3. The undertakings arising from paragraph 1 shall be the subject of guarantee contracts between each Member State and the Bank.

Article 7

Operations managed by the Bank under previous EDFs

1. Payments made to the Bank in respect of special loans granted to the ACP States, the OCT and the French overseas departments, together with the proceeds and income from risk capital operations, undertaken under the previous EDFs, shall be credited to the Member States in proportion to their contributions to the 9th EDF from which the sums are derived, unless the Council decides unanimously, on a proposal from the Commission, to place them in reserve or allocate them to other purposes.
2. Any commission due to the Bank for managing the loans and operations referred to in paragraph 1 shall be deducted in advance from these sums.

Article 8

Operations managed by the Bank under the 9th EDF

1. Proceeds and income received by the Bank from operations under the Investment Facility shall be used for further operations under the Facility, in accordance with Article 3 of Annex II to the Agreement and after deduction of exceptional expenses and liabilities arising in connection with the Facility.

2. The Bank shall be remunerated on a full indemnity basis for the management of the Investment Facility operations. The Council shall decide, by the qualified majority laid down in Article 21 of this Agreement and on a proposal from the Commission drawn up in agreement with the Bank, on the resources and mechanisms for remuneration of the Bank. The terms of this decision shall be incorporated in the agreement by which the Bank undertakes to conduct these operations.

Article 9

Costs linked to implementation of the resources of the 9th EDF

1. The resources referred to in Article 4 of this Agreement shall, together with the resources referred to in Article 1(3), be used to cover administrative and financial costs arising from the implementation of the resources of the 9th EDF. The Commission shall make use of these resources for the following purposes:
 - (a) administrative and financial costs arising from the cash management of the 9th EDF;
 - (b) reinforcing the administrative capacities of the Commission and its Delegations in order to ensure a smooth preparation and implementation of operations financed from the 9th EDF;
 - (c) the financing of studies, assessments, audits or consultancy services, including in the area of the analysis, diagnosis and formulation of structural adjustment and other policies; and
 - (d) monitoring and evaluation.

Such assistance shall not be assigned to core tasks of the European public service, i.e. the Commission's permanent staff.

2. The Commission shall make annual global financial proposals to the EDF Committee referred to in Article 21, hereinafter referred to as the 'EDF Committee', on the use of these resources which will include a report on the activities in the preceding year. The EDF Committee shall deliver its opinion on such financing proposals in accordance with the procedure laid down in Article 27.

3. However, acting on a Commission proposal, the Council may decide by the qualified majority laid down in Article 21 to use the resources referred to in this Article for purposes other than those provided for in paragraph 1.

Article 10

Contributions to the 9th EDF

1. Each year, the Commission, taking into account the Bank's forecast requirements concerning the management and the operations of the Investment Facility, shall establish and communicate to the Council before 15 October a statement of the payments to be made in the following budget year and a schedule of the calls for contribution. The amount requested shall be justified by the Commission on the basis of the Commission's capacity to deliver the proposed level of resources effectively. The Council shall decide thereon by the qualified majority laid down in Article 21 as well as on each scheduled call for contribution.

2. As regards funds transferred from previous EDFs to the 9th EDF in accordance with Article 1(2)(b), the contributions of each Member State shall be calculated in proportion to the contribution of each Member State to the EDF in question.

3. Together with its annual estimates of contributions, the Commission shall send to the Council its estimates of commitments and disbursements, for each of the four years following the year relating to the call for contributions. The schedule shall be approved and reviewed annually by the Council.

4. Should the contributions prove insufficient to meet the 9th EDF's actual needs in the financial year in question, the Commission shall submit proposals for supplementary payments to the Council, which shall take a decision, as soon as possible, by the qualified majority laid down in Article 21.

5. The detailed rules for payments of contributions by the Member States shall be determined by the Financial Regulation referred to in Article 31.

CHAPTER II

RESPONSIBILITIES OF THE COMMISSION AND THE EUROPEAN INVESTMENT BANK

Article 11

Financial execution of projects and programmes

1. The Commission shall undertake the financial execution of operations carried out with the resources in the form of grants other than interest subsidies. The Commission shall make payments in accordance with the Financial Regulation referred to in Article 31.

2. The Bank shall on behalf of the Community manage the Investment Facility and shall conduct operations thereunder, in accordance with the rules set out in the Financial Regulation referred to in Article 31. In this context, the Bank shall act on behalf of and at the risk of the Community. Any rights resulting from such operations, and particularly rights as creditor or owner, shall be vested in the Member States.

3. The Bank shall undertake the financial execution of operations carried out by means of loans from its own resources, where applicable combined with interest rate subsidies drawn from the Fund's grant resources.

4. Both the Commission and the Bank may, in the case of programmes or projects co-financed by Member States or their executing agencies and consistent with the priorities set out in the Country Cooperation Strategies referred to in Chapter III, entrust Member States or their executing agencies with the responsibility for the administration of European Union funds. Visibility of the European Union's contribution shall however be fully assured. The Commission shall provide financial compensation for the administrative burden assumed.

Article 12

Monitoring and reporting requirements regarding the progress in implementation of 9th EDF assistance

1. The Commission and the Bank shall monitor, each to the extent to which it is concerned, the use of 9th EDF assistance by the ACP States, the OCT or any other recipients, and the implementation of projects financed by 9th EDF assistance, having particular regard to the relevant objectives referred to in Articles 55 and 56 of the ACP-EC Agreement and in the corresponding provisions of the Decision.

2. The Bank shall periodically inform the Commission regarding the implementation of projects financed from the 9th EDF resources it administers, following the procedures set out in the operational guidelines of the Investment Facility. The Commission and the Bank will ensure close coordination and cooperation in supporting private sector development in the ACP States.

3. The Commission and the Bank shall, pursuant to Articles 17, 18 and 19, provide Member States, meeting within the EDF Committee, with information on the operational national and regional implementation of resources from the 9th EDF. Such information shall also cover operations financed from the Investment Facility.

4. As referred to in Article 2(2) and 2(3) of this Agreement, the Commission shall provide the Council with a proposal for the global performance review to be undertaken by the Council in 2004. This review will in particular assess the degree of realisation of commitments and disbursements.

Article 13**Evaluations**

1. The Commission and the Bank shall, each to the extent to which it is concerned, ensure that the quality and impact of financial assistance financed from the 9th EDF are thoroughly evaluated by independent evaluators as regards main sectors, themes and instruments.

2. Without prejudice to the evaluations of main sectors, themes and instruments referred to in paragraphs 1, individual projects may be evaluated by independent evaluators on a case-by-case basis. Project evaluations may be undertaken on the initiative of the Commission and indicated in the financing proposal. Member States may also request a project evaluation when the financing proposal is discussed in the EDF Committee.

3. All evaluations shall be carried out in accordance with best evaluation practices including the evaluation criteria and 'Principles for the evaluation of development assistance' established by the Development Assistance Committee of the OECD.

4. The EDF Committee shall be notified of the finalisation of the evaluation, which subsequently may, pursuant to Article 28(c), be discussed by the EDF Committee. The results of evaluations shall be taken into account in the process of mid-term and end-of-term reviews of the cooperation strategies provided for in Article 18.

CHAPTER III**PROGRAMMING****Article 14****Programming of assistance**

1. The process of programming for assistance to individual ACP State shall be undertaken in accordance with Articles 1 to 5 of Annex IV to the ACP-EC Agreement.

2. The process of programming of support for regional cooperation and integration of the ACP States shall be undertaken in accordance with Articles 6 to 14 of Annex IV to the ACP-EC Agreement.

3. Programming for this purpose shall notably mean:

(a) the preparation and development of a Country Cooperation Strategy (CS)/Regional Cooperation Strategy (RCS) based on the country's or region's own medium-term development objectives and strategies;

(b) a clear indication from the Community of the indicative programmable financial allocation as referred to in Article 3 of Annex IV, from which the country or region may benefit during the five-year period;

(c) the preparation and adoption of an indicative programme for implementing the CS or RCS;

(d) a review process covering the CS or RCS, the indicative programme and the volume of resources allocated to it.

Article 15**CSs and indicative programmes**

1. At the outset of the programming process, the Commission, together with the ACP State concerned, and after consultation with the Bank, shall prepare the Country Cooperation Strategy (CS) and its accompanying indicative programme at field level.

2. The preparation of the CS shall take place in coordination with representations of Member States in the ACP State concerned. Such coordination shall:

(a) as far as possible take place through existing mechanisms for donor coordination in the ACP State concerned;

(b) be open to participation by Member States that are not permanently represented in the ACP State concerned and by other donors which are active in that ACP State. Member States that are not in a position to participate in the coordination exercise shall have access to information on the results;

(c) involve the Bank on the matters relative to its operations and those of the Investment Facility.

3. Coordination on field level shall give emphasis to shared assessments of needs and performance and sector analysis as well as priorities. The coordination exercise shall ensure that the CS and indicative programme are coherent with country-led initiatives, such as the Poverty Reduction Strategy Papers and the Comprehensive Development Framework, where such dialogue exists.

4. Community support in the form of grants shall be concentrated in a limited number of focal sectors and shall ensure complementarity with operations financed by the ACP State itself, by Member States and by other donors.

5. Each CS, including its draft indicative programme, shall be set out in a single document. This document shall be the subject of an exchange of views between the Member States and the Commission in the framework of the EDF Committee. In accordance with Articles 4(3) and 5(4) of Annex IV to the ACP-EC Agreement, the indicative programme shall include specific and clearly identified operations for attaining the objectives and targets, especially those that can be committed before the next review. The indicative programme shall also include impact indicators and sectoral policy commitments and a timetable for implementation and review of the indicative programme including commitments and disbursement of resources.

The Bank shall take part in this exchange of views. The EDF Committee shall deliver its opinion on the content of the document in accordance with the procedure set out in Article 27.

6. The indicative programme shall subsequently be adopted by common agreement between the Commission and the ACP State concerned and shall, when adopted, be binding on both the Community and that State. The finalised CS and its indicative programme shall subsequently be transmitted to the EDF Committee for information.

If the CS and indicative programme on which the EDF Committee has delivered its opinion is substantially modified before it is signed with the ACP State concerned, the revised CS and indicative programme shall be submitted to the said EDF Committee for a new opinion.

7. The Commission, the Bank and the Member States shall take all necessary measures, in particular in relation to the process of exchange of views referred to in paragraph 5 of this Article, to ensure that the establishment of the CS and the corresponding indicative programme is completed within the shortest possible time. Save in exceptional circumstances, the process shall be finalised within twelve months of the signing of the Partnership Agreement.

Article 16

Resource allocation

At the beginning of the programming processes referred to in Articles 1 and 8 of Annex IV to the ACP-EC Agreement the Commission shall, on the basis of the criteria identified in Articles 3 and 9 of Annex IV to the ACP-EC Agreement, establish the indicative grant allocation within the resources detailed in Article 2(1)(a)(i) and (b) for each ACP country and region on which the programming process is based. The two elements of the allocation to each country referred to in Article 3(2) of Annex IV to the ACP-EC Partnership Agreement shall be identified in this context. The Commission shall inform the EDF Committee of these allocations as well as of any provision made in accordance with Article 3(4) of Annex IV.

The EDF Committee shall give its opinion, in accordance with the procedure defined in Article 27, on the method used in the application of the general criteria for resource allocation, as presented by the Commission.

Article 17

Annual review of the Indicative Programmes

1. In accordance with Article 5(4) of Annex IV to the ACP-EC Agreement, the annual operational review of each indicative programme shall be carried out by the Commission together with each ACP State and in close coordination with the Member States. The Bank shall be consulted on matters relating to its operations and those of the Investment Facility.

2. This annual review of each programme shall be completed within a period of 60 days. The Commission, the Bank and the Member States shall take all necessary measures, in particular in relation to the process of exchange of views referred to in paragraph 3 of this Article, to ensure that this time frame is respected.

3. Within the 60-day period, the EDF Committee shall discuss the annual review on the basis of a document to be submitted by the Commission.

4. The annual review shall be finalised by the Commission and the ACP State concerned. The final results of the annual review shall be communicated to the EDF Committee for information.

Article 18

Mid-term and end-of-term reviews of the CS

1. At the middle and at the end of the period of application of the Financial Protocol, the review process shall, in accordance with the process referred to in Articles 5(6) and 11 of Annex IV to the ACP-EC Agreement, be expanded to include a review and adaptation of the CS and the indicative programme for the next five-year period. These reviews shall constitute an integral part of the programming process and include, as an essential part, an assessment of the impact of the Community's development cooperation in the relation to the objectives and indicators set in the CS.

Mid-term and end-of-term reviews for each ACP State shall be carried out by the Commission and the ACP State concerned in close coordination with the Member States represented in that ACP State. The Bank shall be consulted on matters relating to its operations and those of the Investment Facility.

2. The mid-term and end-of-term reviews may lead the Commission to propose a revision of the resource allocation for the next five-year period in the light of the current needs and performance of the ACP State concerned.

3. The reviews at mid-term and at the end of the period of application of the Financial Protocol, including the possible revision of the allocated resources, shall be finalised within a total period of 90 days. The Commission, the Bank and the Member States shall take all necessary measures, in particular in relation to the process of the EDF Committee opinion referred to in paragraph 4, to ensure that the time frames for these reviews are respected.

4. Within the period specified for the mid-term and end-of-term reviews, the EDF Committee shall deliver its opinion in accordance with Article 27 on the basis of a document to be provided by the Commission, on:

- (a) the conclusions of the mid-term or end-of-term review;
- (b) the CS and its indicative programme;
- (c) a proposal by the Commission for the resource allocation.

Article 19

Regional programmes

1. The preparation of the Regional Cooperation Strategy (RCS) and its accompanying indicative programme shall be undertaken by the Commission and the duly mandated regional organisation(s) or, in the absence of such a mandate, the National Authorising Officers of the ACP States in the region concerned. Where a Regional Authorising Officer has been appointed, the preparation of the RCS and its indicative programme shall be undertaken in coordination with Member States.

2. Such coordination shall involve the Bank on matters relative to its operations and those of the Investment Facility.

3. The RCS and its draft indicative programme shall be set out in a single document. This document shall be the subject of an exchange of views between the Member States and the Commission in the framework of the EDF Committee. The EDF Committee shall deliver its opinion on the draft RCS and its indicative programme in accordance with the procedure set out in Article 27, taking into account the provisions of Article 23(1) of this Agreement.

4. The indicative programme shall subsequently be adopted by common agreement between the Commission and the duly mandated regional organisation(s) or, in the absence of a duly mandated regional organisation, the National Authorising Officers of the ACP States in the region concerned. The indicative programme shall, when adopted, be binding on both the Community and these States.

5. A mid-term and end-of-term review of the RCS and the indicative programme shall be undertaken in accordance with Article 11 of Annex IV to the ACP-EC Agreement. During the review process, the EDF Committee shall deliver its opinion in accordance with the provisions of Article 27 on the basis of a summary document to be submitted by the Commission. Following the deliberations in the said Committee, the review process shall be finalised between the Commission and the duly mandated regional organisation(s) or, in the absence of such a mandate, the National Authorising Officers of the ACP States in the region concerned. The final results on the review shall be set out in summary form and shall be transmitted to the EDF Committee for information.

6. The mid-term and end-of-term reviews may include a revision of the resource allocation in the light of the current needs and performance of the ACP region concerned.

Article 20

Reviews in exceptional circumstances

In exceptional circumstances referred to in Articles 72 and 73 of the ACP-EC Agreement, the review of the CS can be carried out at the request of either the ACP State concerned or the Commission. In such cases, the review procedure provided for in Article 18 of this Agreement shall apply, taking into consideration, where appropriate, the provisions of Article 3(4) of Annex IV to the ACP-EC Agreement.

CHAPTER IV

DECISION-MAKING PROCEDURES

Article 21

The European Development Fund Committee

1. A Committee (hereinafter called 'the EDF Committee') consisting of representatives of the governments of the Member States shall be set up at the Commission for the European Development Fund resources which the Commission administers. The EDF Committee shall be chaired by a Commission representative, and its secretariat shall be provided by the Commission. A representative of the Bank shall take part in its work.

2. The Council, acting unanimously, shall adopt the rules of procedure of the EDF Committee.

3. Within the EDF Committee, the votes of the Member States shall be weighted as follows:

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

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

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

Article 22

Responsibilities of the EDF Committee

1. The EDF Committee shall focus its work on the substantive issues of development cooperation at country and regional level. In the interests of coherence, coordination and complementarity, it shall monitor the implementation of development strategies adopted by the Community and its Member States.

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

- (a) programming of Community aid and programming reviews in particular focusing on country and regional strategies, including identification of projects and programmes;
- (b) participation in the decision-making process relating to financing from the European Development Fund; and

- (c) monitoring the implementation of Community aid, including sectoral aspects, cross-cutting issues, and the functioning of field-level coordination.

Article 23

Programming, identification, complementarity and consistency

1. With regard to programming, the Committee shall

- (a) give its opinion on the examination referred to in Article 15(5), in the second subparagraph of Article 15(6), in the second paragraph of Article 16, in Article 18(4) and in Article 19(3) and (5) in accordance with the procedure set out in Article 27; and
- (b) examine the conclusions of the annual reviews referred to in Article 17(3).

2. The Committee shall also examine the consistency and complementarity between Community aid and aid from the Member States. In order to ensure transparency and consistency between cooperation operations and improve complementarity between Community actions and bilateral aid, the Commission shall communicate to the Member States and their representatives on the spot the notes identifying projects within one month of taking the decision to appraise them. These notes will be regularly updated and sent to the EDF Committee, Member States and their representatives on the spot.

3. In the interests of complementarity, each Member State shall systematically inform the Commission of the cooperation activities that it is undertaking, or intends to undertake, in each particular country. Information on bilateral aid shall be provided at the establishment of the first CS and shall be updated at least at the occasion of the annual review.

Article 24

Financing proposals on which the EDF Committee gives its opinion

1. The EDF Committee shall give its opinion following the procedure laid down in Article 27 on:

- (a) financing proposals for projects or programmes with a value greater than EUR 8 million or representing more than 25 % of the indicative programme;
- (b) financing proposals drawn up under Article 9.

2. Financing proposals of a value:

- (a) greater than EUR 15 million or representing more than 25 % of the indicative programme shall be approved by oral procedure;
- (b) between EUR 8 million and EUR 15 million shall be approved by written procedure.

3. Without first seeking the opinion of the EDF Committee, the Commission is authorised to approve operations with a value less than or equal to EUR 8 million and representing less than 25 % of the indicative programme. Each Member State may demand that operations approved directly by the Commission shall be discussed at a future meeting of the EDF Committee. For operations with a value:

- (a) between EUR 2 million and EUR 8 million, the Commission will provide the EDF Committee with ex ante information according to the criteria specified in paragraph 5 at least two weeks before the decision is taken;
- (b) between EUR 500 000 and EUR 2 million, the Commission will provide the EDF Committee with a succinct ex ante information at least two weeks before the decision is taken;
- (c) less than EUR 500 000, the Commission will inform the EDF Committee after it has taken its decision.

4. The Commission is also authorised to approve, without seeking the EDF Committee's opinion, the additional commitments required to cover expected or actual overspending under a project or programme referred to in paragraphs 1(a) and (b), where the overspending or additional amount required does not exceed 20 % of the initial commitment fixed in the financing decision and/or EUR 5 million, and does not entail any substantial modification to the project.

5. The financing proposals referred to in paragraphs 1 and 3(a) shall indicate in particular:

- (a) the relevance of the projects or programmes to the development of the country or countries concerned and to the achievement of the objectives spelt out in the CS or RCS;
- (b) the expected impact of these projects and programmes as well as their feasibility and measures to ensure their sustainability after Community funding has come to an end.

The financing proposals shall also specify procedures and the timetable for implementation, as well as key indicators for assessing achievement of expected objectives and results. They shall also indicate how lessons learned from previous experiences and programmes have contributed to and been taken into account in the development of the programme and how coordination is undertaken among donors in the country or countries concerned.

Article 25

Financing of emergency assistance from the European Development Fund

1. Humanitarian and emergency assistance shall be granted in accordance with Articles 72 and 73 of the ACP-EC Agreement and the corresponding Article of the Decision. Where budget funding is not available, such assistance may be financed from the grant envelope of the 9th EDF referred to in Article 2(1)(a)(i).

2. The occurrence of sudden and unforeseeable serious humanitarian, 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 may be considered as cases of special urgency. In such cases, the Commission is authorised to take decisions directly for a value up to EUR 10 million. Such assistance shall be limited to implementation over a period of maximum six months.

3. For operations of special urgency, the Commission shall

- take its decision
- inform Member States in writing within forty-eight hours
- report on its decision at the following meeting of the Committee. On this occasion, the Commission shall in particular justify the reasons for recourse to the procedure for special urgency.

Article 26

Global authorisations

1. Following the procedures laid down for financing proposals in Article 24(1) and (3), and in order to speed up those procedures, the Commission may approve, after a qualitative and quantitative assessment, global authorisations covering overall amounts for the activities referred to in Article 16(7) of Annex IV.

2. Global authorisations may also be used for interest rate subsidies subject to the provisions of Article 30.

3. Such financing proposals should specify objectives and, where appropriate, the intended impact of the Community contribution, sustainability of the activities, previous experience and earlier evaluations as well as coordination with other donors.

Article 27

Decision-making procedure

1. Where the EDF Committee is called upon to give its opinion, the Commission shall submit to the committee a draft of measures to be taken.

2. The EDF Committee shall deliver its opinion in accordance with the provisions of Article 21 and in accordance with its Rules of Procedure referred to in Article 21(2).

3. When the EDF Committee has adopted its opinion, the Commission shall take measures, which shall apply immediately. If the Commission decides to depart from the opinion expressed by the EDF Committee, or if the committee has not delivered a favourable opinion, the Commission shall either withdraw the proposal or, at the earliest opportunity, refer the proposal to the Council. The Council shall decide on it according to the same voting procedure as the EDF Committee within a period which, as a general rule, may not exceed two months.

4. Should the measure that is referred by the Commission to the Council consist of a financing proposal referred to in Article 24(1) or a global authorisation referred to in Article 26, the ACP State or States concerned shall be notified in accordance with Article 16 of Annex IV to the ACP-EC Partnership Agreement. The Community shall in such cases not take a final decision before the expiry of the period of 60 days mentioned in Article 16(5) of Annex IV to the ACP-EC Partnership Agreement.

Article 28

Monitoring implementation

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

- (a) general development issues, where these are related to the implementation of the European Development Fund;
- (b) sectoral strategies developed by the Commission, in association with experts from Member States, where this is deemed necessary for the coherence of Community development policy;
- (c) results of evaluations of country or sectoral strategies, programs, projects, or any other evaluations that are considered to be of interest to the Committee;
- (d) mid-term appraisal of projects and programmes where requested by the EDF Committee when approving the financing proposals, or where this appraisal gives rise to substantial modifications to the project or programme concerned.

CHAPTER V

INVESTMENT FACILITY COMMITTEE

Article 29

The Investment Facility Committee

1. A committee (hereinafter called 'the IF Committee') consisting of representatives of the Governments of the Member States and of a representative of the Commission shall be set up under the auspices of the Bank. Each Government shall nominate one representative and one designated alternate. The Commission shall act in the same way for its representative. With a view to maintaining continuity, the Chairman of the IF Committee shall be elected by and from within the members of the IF Committee for a period of two years. The Bank shall provide the Committee's secretariat and support services. Only the members of the IF Committee designated by the Member States, or their alternates, shall vote.

2. The Council, acting unanimously, shall adopt the rules of procedure of the IF Committee on the basis of a proposal drawn up by the Bank after consultation of the Commission.

3. The IF Committee shall act by a qualified majority. The weighting of the votes shall be as laid down in Article 21.

4. The IF Committee shall meet at least four times a year. Additional meetings may be convened at the request of the Bank or of the members of the Committee as set out in the rules of procedure. In addition, the IF Committee may deliver an opinion by written procedure on matters referred to in Article 30(2).

Article 30

Responsibilities of the IF Committee, the Bank and the Commission

1. The IF Committee shall approve:
 - 1) the operational guidelines of the Facility and proposals for their revision;
 - 2) the investment strategies and business plans of the Facility, including performance indicators, on the basis of the objectives of the ACP-EC Agreement and of the broad principles of Community development policy;
 - 3) the annual reports of the Investment Facility;
 - 4) any general policy document, including evaluation reports, concerning the Investment Facility.

2. Furthermore, the IF Committee shall deliver an opinion on:

- 1) proposals to grant an interest subsidy under Article 2(7), and Article 4(2), of Annex II to the Agreement. In such cases, the Committee shall also deliver an opinion on the use of such an interest subsidy;
- 2) proposals for an IF investment for any project for which the Commission has rendered a negative opinion;
- 3) other proposals relating to the Investment Facility based on the general principles defined in the operational guidelines.

3. It shall be the Bank's responsibility to submit to the IF Committee in a timely manner any matters that require an approval or opinion of the IF Committee, as provided in paragraphs 1 and 2 of this Article. Any proposal submitted to the Committee for an opinion shall be made in accordance with the relevant criteria and principles set out in the operational guidelines.

4. The Bank and the Commission shall cooperate closely and, where relevant, shall coordinate their respective operations. In particular:

- 1) the Bank shall prepare the draft operational guidelines of the Facility jointly with the Commission;
- 2) the Bank shall request the opinion of the Commission beforehand:
 - (a) on investment strategies, business plans and general policy documents
 - (b) on the conformity of public sector or financial sector projects with the relevant country cooperation strategy or regional cooperation strategy or, as the case may be, with the general objectives of the Investment Facility;
- 3) the Bank shall also request the agreement of the Commission on any proposal made to the IF Committee for an interest subsidy, as to its compliance with Article 2(7) and Article 4(2) of Annex II to the ACP-EC Agreement and with the criteria defined in the operational guidelines of the Investment Facility.

The Commission shall be deemed to have rendered a favourable opinion on or to have agreed to a proposal, unless it notifies a negative opinion on such proposal within two weeks following the submission of the proposal. Where the Commission's opinion is required for a proposal under point (2)(b), the Bank shall present its request in the form of a short memorandum outlining the objectives and rationale of the proposed operation, as well as its relevance to the country strategy.

5. The Bank shall not proceed with any action mentioned in paragraph 2 unless the IF Committee has given a favourable opinion.

Following a favourable opinion of the IF Committee, the Bank shall decide on the proposal in accordance with its own procedures. In particular, it may decide, on account of new circumstances, not to proceed with the proposal. The Bank shall periodically inform the IF Committee and the Commission of cases where it decides not to proceed.

For loans from its own resources and for IF investments for which no opinion of the IF Committee is required, the Bank shall decide in accordance with its own procedures and, in the case of the Facility, in accordance with the guidelines and the investment strategies approved by the IF Committee.

Notwithstanding a negative opinion of the IF Committee on a proposal to grant an interest subsidy, the Bank may proceed with the loan in question without the benefit of the interest subsidy. The Bank shall periodically inform the IF Committee and the Commission of each occasion on which it so decides to proceed.

The Bank may, subject to conditions laid down in the operational guidelines, and the condition that the essential objective of the loan or Investment Facility investment in question be unchanged, decide to modify the terms of an Investment Facility loan or investment on which the IF Committee has given a favourable opinion under paragraph 2 or of any loan on which the Committee has given a favourable opinion on interest subsidies. In particular, the Bank may decide to increase the amount of the loan or Investment Facility investment by up to 20 %.

Such an increase may, for projects with interest subsidies referred to in Article 2(7)(a) of Annex II to the Agreement, result in a proportionate increase in the value of the interest subsidy. The Bank shall periodically inform the IF Committee and the Commission of each occasion on which it so decides to proceed. For projects falling under Article 2(7)(b) of Annex II to the Agreement, if an increase in the value of the subsidy is requested, the IF Committee will be required to deliver an opinion before the Bank proceeds.

6. The Bank shall manage Investment Facility Investments and all funds held on account of the said Investment Facility in accordance with the objectives of the Agreement. It may, in particular, take part in the management and supervisory organs of legal persons in which the Investment Facility is invested, and may compromise, discharge and modify the rights held on account of the Investment Facility.

CHAPTER VI

FINAL PROVISIONS

Article 31

Financial Regulation

The provisions for implementing this Agreement shall be the subject of a Financial Regulation adopted, before the entry into force of the ACP-EC Agreement, by the Council, acting by the qualified majority laid down in Article 21, on the basis of a proposal from the Commission, after an opinion has been delivered by the Bank on the provisions of concern to it and by the Court of Auditors established under Article 247 of the Treaty establishing the European Community (hereafter referred to as the 'Court of Auditors').

Article 32

Financial arrangements

1. At the end of each financial year, the Commission shall adopt the revenue and expenditure account and the balance sheet of the 9th EDF.

2. Without prejudice to paragraph 4, the Court of Auditors shall also exercise its powers in respect of the 9th EDF's operations. The conditions under which the Court exercises its powers shall be laid down in the Financial Regulation referred to in Article 31.

3. The discharge for the financial management of the 9th EDF, excluding operations managed by the Bank, shall be given to the Commission by the European Parliament on the recommendation of the Council, which shall act by the qualified majority laid down in Article 21 of this Agreement.

4. The Commission shall make the information referred to in Article 12 available to the Court of Auditors so that the latter may, on the basis of the documentary evidence, carry out checks on the aid provided from the 9th EDF's resources.

5. The operations financed from the 9th EDF's resources managed by the Bank shall be subject to the control and discharge procedure laid down by the Statute of the Bank for all its operations. Each year the Bank shall send the Commission and the Council its Annual Report on the execution of operations financed from the 9th EDF's resources it manages.

Article 33

Previous EDFs

1. Any balances remaining from previous EDFs shall, as referred to in Article 1(2)(b), be transferred to the 9th EDF and shall, without prejudice to the provisions of paragraph 2 below, be administered in accordance with the conditions laid down either by this Agreement or by the Decision.

2. If the amount of resources thus transferred from previous EDFs to particular national and regional indicative programmes, referred to in Article 14(3)(c) and Article 19 respectively under the 9th EDF exceeds EUR 10 million per country or region, those resources shall be subject to the rules of the EDF of origin as regards eligibility for participation in tenders and award of contracts. If the resources transferred are equal to or less than EUR 10 million, the eligibility rules applicable to tenders under the 9th EDF shall apply.

Article 34

Revision clause

The Articles contained in Chapters II to V, with the exception of Article 21, may be amended by the Council, acting unanimously and on a proposal from the Commission. The Bank shall be associated with the Commission's proposal on matters relating to its activities and those of the Investment Facility. Such amendments may be envisaged in order to:

- (a) ensure consistency with the ACP-EC Agreement and in particular the Annexes thereto covering rules for implementation and management procedures; and
- (b) enhance the efficiency of implementation of resources of the European Development Fund. In this context, the thresholds for referral of financing proposals to the EDF Committee in Article 24 and the decision-making procedure set out in Article 27 may be reviewed in the year 2003.

Article 35

Ratification, entry into force and duration

1. Each Member State shall approve this Agreement in accordance with its own constitutional requirements. The Government of each Member State shall notify the General Secretariat of the Council of the European Union when the procedures required for the entry into force of this Agreement have been completed.

2. This Agreement shall enter into force on the first day of the second month following the notification of the approval of this Agreement by the last Member State.

3. This Agreement is concluded for the same duration as the Financial Protocol annexed to the ACP-EC Agreement. However, notwithstanding Article 2(4), this Agreement shall remain in force for as long as is necessary for all the operations financed under the ACP-EC Agreement and the said Financial Protocol to be fully executed.

*Article 36***Authentic languages**

This Agreement, drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portu-

guese, Spanish and Swedish languages, each of these eleven texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union, which shall transmit a certified copy to each of the governments of the signatory States. In witness whereof, the representatives of the Governments of the Member States meeting within the Council, have hereunto set their hands.

EN FE DE LO CUAL, los representantes de los Gobiernos de los Estados miembros, reunidos en el seno del Consejo, abajo firmantes, suscriben el presente Acuerdo.

TIL BEKRÆFTELSE HERAF har undertegnede repræsentanter for medlemsstaternes regeringer, forsamlet i Rådet, underskrevet denne aftale.

ZU URKUND DESSEN haben die unterzeichneten Vertreter der Regierungen der Mitgliedstaaten ihre Unterschriften unter dieses Abkommen gesetzt.

ΕΙΣ ΠΙΣΤΩΣΗ ΤΩΝ ΑΝΩΤΕΡΩ, οι κάτωθι υπογράφωντες αντιπρόσωποι των κυβερνήσεων των κρατών μελών, συνελθόντες στα πλαίσια του Συμβουλίου, έθεσαν τις υπογραφές τους κάτω από την παρούσα συμφωνία.

IN WITNESS WHEREOF, the undersigned Representatives of the Governments of the Member States, meeting within the Council, have hereunto set their hands.

EN FOI DE QUOI, les représentants des gouvernements des États membres, réunis au sein du Conseil, soussignés, ont apposé leurs signatures au bas du présent accord.

IN FEDE DI CHE, i rappresentanti dei governi degli Stati membri sottoscritti, riuniti in sede di Consiglio, hanno apposto le proprie firme in calce al presente accordo.

TEN BLIJKE WAARVAN de vertegenwoordigers van de regeringen van de lidstaten, in het kader van de Raad bijeen, hun handtekening onder dit akkoord hebben gesteld.

EM FÉ DO QUE os representantes dos Governos dos Estados-Membros, reunidos no Conselho, abaixo assinados, apuseram as suas assinaturas no final do presente Acordo.

TÄMÄN VAKUUDEKSI alla mainitut neuvostossa kokoontuneet jäsenvaltioiden hallitusten edustajat ovat allekirjoittaneet tämän sopimuksen.

TILL BEVIS HÄRPÅ har undertecknade företrädare för medlemsstaternas regeringar, församlade i rådet, undertecknat detta avtal.

Hecho en Bruselas, el dieciocho de septiembre del año dos mil.

Udfærdiget i Bruxelles den attende september to tusind.

Geschehen zu Brüssel am achtzehnten September zweitausend.

Έγινε στις Βρυξέλλες, στις δέκα οκτώ Σεπτεμβρίου δύο χιλιάδες.

Done at Brussels on the eighteenth day of September in the year two thousand.

Fait à Bruxelles, le dix-huit septembre deux mille.

Fatto a Bruxelles, addì diciotto settembre duemila.

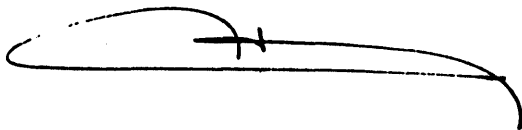
Gedaan te Brussel, de achttiende september tweeduizend.

Feito em Bruxelas, em dezoito de Setembro de dois mil.

Tehty Brysselissä kahdeksantentoista päivänä syyskuuta vuonna kaksituhatta.

Som skedde i Bryssel den artonde september tjugohundra.

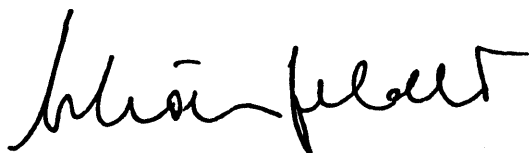
Pour le gouvernement du Royaume de Belgique
Voor de Regering van het Koninkrijk België
Für die Regierung des Königreichs Belgien



For regeringen for Kongeriget Danmark



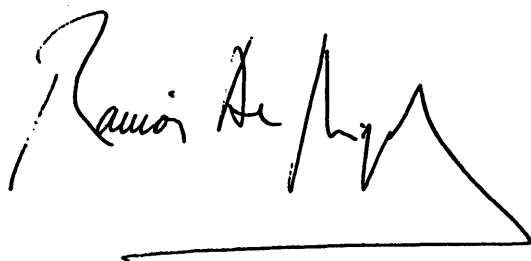
Für die Regierung der Bundesrepublik Deutschland



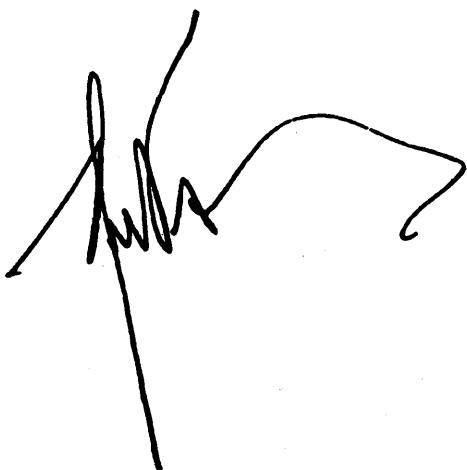
Για την Κυβέρνηση της Ελληνικής Δημοκρατίας



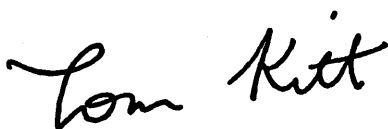
Por el Gobierno del Reino de España



Pour le gouvernement de la République française



Thar ceann Rialtas na hÉireann
For the Government of Ireland



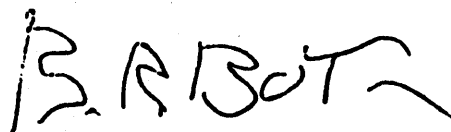
Per il Governo della Repubblica italiana



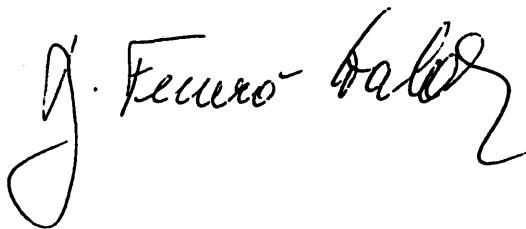
Pour le gouvernement du Grand-Duché de Luxembourg



Voor de Regering van het Koninkrijk der Nederlanden



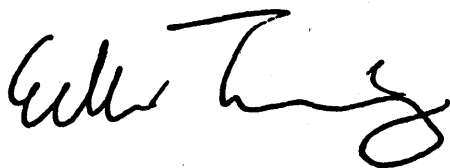
Für die Regierung der Republik Österreich



Pelo Governo da República Portuguesa



Suomen hallituksen puolesta
På finska regeringens vägnar



På svenska regeringens vägnar



For the Government of the United Kingdom of Great Britain and Northern Ireland



ANNEX

STATEMENTS RELATING TO CHAPTER III ANNEXED TO THE INTERNAL AGREEMENT

1) **Statement by the Commission and the Member States**

The Commission and the Member States reiterate the importance attached to the standardised framework for Country Strategy Papers (CSP) that is being developed as a follow-up to the Development Council resolution on complementarity of May 1999. The process for programming of 9th EDF assistance shall comply with the forthcoming Council conclusions on the CSP.

2) **Statements by the Commission**

1. The Commission will ensure that the Country Cooperation Strategy (CS) for the ACP States will comply with the standardised framework for Country Strategy Papers. The CS will in particular:
 - (a) include an analysis of the political, economic and social country context, constraints, capacities and prospects, as well as a detailed outline of the country's medium-term development strategy. It will moreover provide an outline of the relevant plans and actions of other donors present in the country, in particular those of the Member States of the European Union in their capacity as bilateral donors.
 - (b) identify appropriate response strategies to be supported by the Community. The response strategies shall flow from the country's own development strategy and the analysis of the country situation. The response strategy will be built around a strictly limited number of agreed intervention sectors and will be consistent with, and complementary to, interventions by other donors in the country concerned. It shall integrate horizontal and cross-cutting issues such as focus on poverty alleviation, gender equality, environmental issues, capacity building and sustainability issues. The CS shall draw on lessons learned and take into account all relevant evaluations.
2. The response strategy will be translated into a realistic, annually updated indicative work programme, which will be an integral part of the CS document. The work programme will identify which instruments will be used for projects/programmes in each focal sector. In order to guarantee a result-oriented approach, it will focus on operational objectives and indicators. It will also spell out a timetable for implementation and review of the indicative programme and identify indicators to measure performance.
3. The annual operational review process shall be carried out in accordance with Article 5(4) of Annex IV to the ACP-EC Agreement and shall notably consist of an appraisal of the progress of activities outlined in the indicative programme, measured against specific objectives and indicators.
4. At the mid-term and end-of-term reviews carried out in accordance with Article 5(6) of Annex IV to the ACP-EC Agreement, the review shall cover an evaluation of the CS. The mid-term and end-of-term reviews shall notably cover:
 - (a) an analysis of the political, economic and social situation and the coherence and relevance of the European Community response strategy in relation to the country situation;
 - (b) the results of past or ongoing European Community cooperation with the country concerned taking into account results of relevant evaluations; and including an assessment of horizontal and cross-cutting issues;
 - (c) an assessment and updating of the CS taking into account the overall degree of complementarity of operations covered by the CS work plan in relation to the interventions of Member States and other donors.

Both the annual review and mid-term and end-of-term reviews will include a concrete and specific updating and revision of the indicative programme including an extension of the programming perspective for the following five years.

5. The Commission is drafting detailed guidelines on programming and the reviews, which will reflect and detail these principles. Those guidelines shall be systematically used by the Commission services in the programming process. The guidelines shall be submitted to Member States for information.
 6. The respective roles of the Head of Delegation and Commission Headquarters in the programming process shall be as described in the ACP-EC Agreement.'
-

**DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,
MEETING WITHIN THE COUNCIL,**

of 18 September 2000

on the provisional application of the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement

(2000/771/EC)

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

having regard to the Treaty establishing the European Community,

having regard to the ACP-EC Partnership Agreement signed in Cotonou (Benin) on 23 June 2000, hereinafter referred to as 'the ACP-EC Agreement',

having regard to the draft from the Commission,

whereas:

- (1) In accordance with Article 366(3) of the Fourth ACP-EC Convention, the ACP-EC Council of Ministers will adopt a Decision on the transitional measures applicable between 2 August 2000 and the entry into force of the ACP-EC Agreement.
- (2) The adoption of these transitional measures will entail the early implementation of almost all the provisions of the ACP-EC Agreement, except the provisions on the implementation of the 9th EDF.
- (3) The Member States, meeting within the Council, have adopted an Internal Agreement on the measures to be taken and the procedures to be followed for the implementation of the ACP-EC Agreement. This Internal Agreement cannot enter into force until it is adopted by each Member State in accordance with its own constitutional requirements.

(4) In accordance with Article 6 of the transitional measures applicable between 2 August 2000 and the entry into force of the ACP-EC Agreement, the Member States and the Community will be required to take the necessary measures for their application, each acting on their own behalf.

(5) Therefore, in order to establish the procedures to be followed by the Member States during the period of early implementation of the ACP-EC Agreement, provision should be made for the provisional application of the Internal Agreement,

HAVE DECIDED AS FOLLOWS:

Article 1

The provisions of the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement shall be applied provisionally from 2 August 2000.

The text of the Internal Agreement is attached to this Decision.

Article 2

This Decision shall enter into force at the same time as the transitional measures for the early implementation of the ACP-EC Agreement.

It shall remain in force until the entry into force of the Internal Agreement concerning measures to be taken and procedures to be followed for the implementation of the ACP-EC Agreement.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 18 September 2000.

On behalf of the Governments of the Member States

The President

H. VÉDRINE

INTERNAL AGREEMENT

Between the representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement

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

having regard to the Treaty establishing the European Community, hereinafter referred to as 'the Treaty',

having regard to the ACP-EC Partnership Agreement signed in Cotonou (Benin) on 23 June 2000, hereinafter referred to as 'the ACP-EC Agreement',

having regard to the draft from the Commission,

WHEREAS:

- (1) The Representatives of the Community will have to adopt common positions in the Council of Ministers provided for by the ACP-EC Agreement, hereinafter referred to as 'the ACP-EC Council of Ministers'. Moreover, implementation of the decisions, recommendations and opinions of that Council may require, as the case may be, action by the Community, joint action by the Member States or action by a Member State.
- (2) Therefore, it is necessary for the Member States to specify the conditions for determining, in the fields for which they are competent, the common positions to be adopted by the Representatives of the Community within the ACP-EC Council of Ministers. In the same fields, it will also be for them to take the measures implementing such decisions, recommendations and opinions of that Council as may require joint action by the Member States or action by a Member State.
- (3) For matters covered by the ACP-EC Agreement that fall within their competence the Member States will have to authorise the Council to take appropriate decisions under Articles 96 and 97 of the ACP-EC Agreement.
- (4) Provision should, likewise, be made for the Member States to communicate to one another and to the Commission any treaty, convention, agreement or arrangement and any part of a treaty, convention, agreement or arrangement which concerns matters dealt with in the ACP-EC Agreement and which has been, or will be, concluded between one or more Member States and one or more ACP States.
- (5) Procedures should also be laid down whereby Member States may settle any disputes which may arise between them with regard to the ACP-EC Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The common position to be taken by the Representatives of the Community in the ACP-EC Council of Ministers and the Committee of Ambassadors when they consider matters for which the Member States are competent shall be adopted by the Council, acting unanimously on a draft from the Commission or from a Member State after consulting the Commission.

Article 2

Decisions and recommendations adopted by the ACP-EC Council of Ministers or the Committee of Ambassadors in the fields for which the Member States are competent shall be implemented by acts adopted by the latter.

Article 3

The position of the Member States for the implementation of Articles 96 and 97 of the ACP-EC Agreement shall, when that position concerns matters within their competence, be adopted by the Council, acting in accordance with the procedure set out in the Annex.

If the planned measures concern matters falling within the competence of the Member States, the Council may also act on the initiative of a Member State.

Article 4

Any treaty, convention, agreement or arrangement, or any part of a treaty, convention, agreement or arrangement, of whatever form or nature, which has been, or will be, concluded between one or more Member States and one or more ACP States and which concerns matters dealt with in the ACP-EC Agreement, shall be communicated at the earliest opportunity by the Member State or States concerned to the other Member States and to the Commission. At the request of a Member State or of the Commission, any texts so communicated shall be discussed by the Council.

Article 5

Should a Member State consider it necessary to invoke Article 98 of the ACP-EC Agreement in matters for which the Member States are competent, it shall first consult the other Member States and the Commission.

If the ACP-EC Council of Ministers has to reach a decision on the action by the Member State referred to in the first paragraph, the position put forward by the Community shall be that of the Member State concerned, unless the Representatives of the Governments of the Member States, meeting within the Council, decide otherwise.

Article 6

Disputes arising between Member States concerning the ACP-EC Agreement, the Annexes and Protocols attached thereto or the Internal Agreements concluded for implementation of the said ACP-EC Agreement shall, at the request of the earliest petitioner, be submitted to the Court of Justice of the European Communities in the manner laid down in the Treaty and in the Protocol on the Statute of the Court of Justice annexed to the Treaty.

Article 7

The Representatives of the Governments of the Member States, meeting within the Council, may at any time amend this Agreement, acting unanimously on a draft from the Commission or from a Member State after consulting the Commission.

Article 8

This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The government of each Member State shall notify the General Secretariat of the Council of the completion of the procedures required for the entry into force of the Agreement.

Provided that the provisions of the first paragraph have been complied with, this Agreement shall enter into force at the same time as the ACP-EC Agreement⁽¹⁾. It shall remain in force for the duration of that Agreement.

Article 9

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

⁽¹⁾ The date of entry into force of the Agreement will be published in the Official Journal of the European Communities by the General Secretariat of the Council.

Hecho en Bruselas, el dieciocho de septiembre del año dos mil.

Udfærdiget i Bruxelles den attende september to tusind.

Geschehen zu Brüssel am achtzehnten September zweitausend.

Έγινε στις Βρυξέλλες, στις δέκα οκτώ Σεπτεμβρίου δύο χιλιάδες.

Done at Brussels on the eighteenth day of September in the year two thousand.

Fait à Bruxelles, le dix-huit septembre deux mille.

Fatto a Bruxelles, addì diciotto settembre duemila.

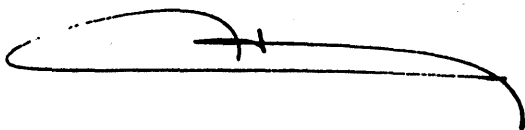
Gedaan te Brussel, de achttiende september tweeduizend.

Feito em Bruxelas, em dezoito de Setembro de dois mil.

Tehty Brysselissä kahdeksantenatoista päivänä syyskuuta vuonna kaksituhatta.

Som skedde i Bryssel den artonde september tjugohundra.

Pour le gouvernement du Royaume de Belgique
Voor de Regering van het Koninkrijk België
Für die Regierung des Königreichs Belgien



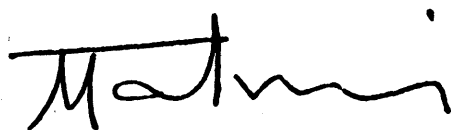
For regeringen for Kongeriget Danmark



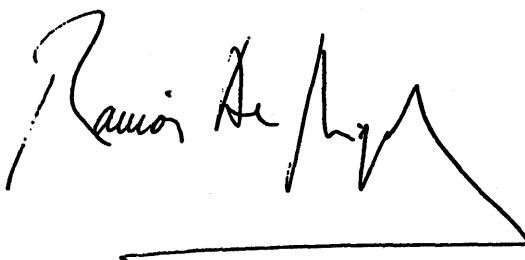
Für die Regierung der Bundesrepublik Deutschland



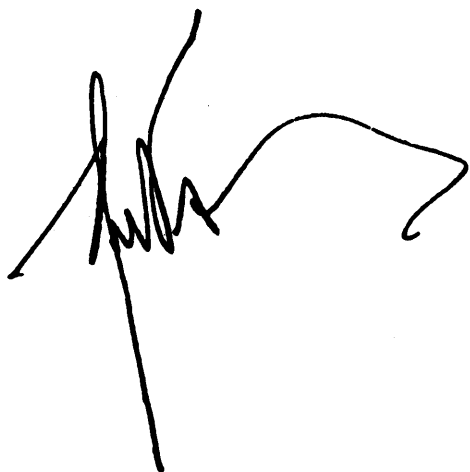
Για την Κυβέρνηση της Ελληνικής Δημοκρατίας



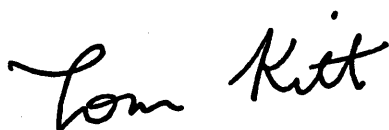
Por el Gobierno del Reino de España



Pour le gouvernement de la République française



Thar ceann Rialtas na hÉireann
For the Government of Ireland



Per il Governo della Repubblica italiana



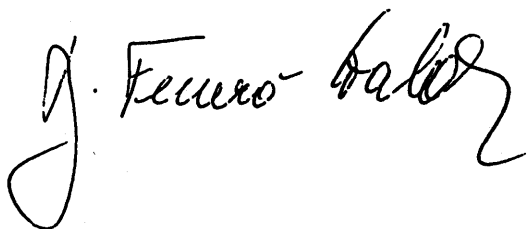
Pour le gouvernement du Grand-Duché de Luxembourg



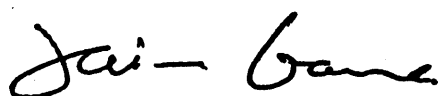
Voor de Regering van het Koninkrijk der Nederlanden



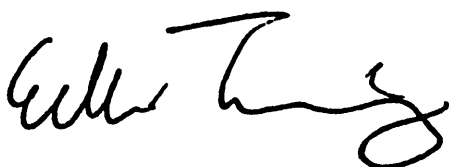
Für die Regierung der Republik Österreich



Pelo Governo da República Portuguesa



Suomen hallituksen puolesta
På finska regeringens vägnar



På svenska regeringens vägnar



For the Government of the United Kingdom of Great Britain and Northern Ireland



ANNEX

1. Where, on the initiative of the Commission or a Member State, the Council considers that an ACP State has failed to fulfil an obligation concerning one of the essential elements referred to in Article 9 of the ACP-EC Agreement, or in serious cases of corruption, the ACP State concerned shall be invited, unless there is special urgency, to hold consultations in accordance with Articles 96 and 97 of the ACP-EC Agreement.

The Council shall act by a qualified majority.

In the consultations, the Community shall be represented by the Presidency of the Council and the Commission.

2. If, on expiry of the deadlines set in Articles 96 and 97 of the ACP-EC Agreement for the consultations and despite all efforts, no solution has been found, or immediately in a case of urgency or refusal to hold consultations, the Council may, pursuant to those Articles, decide, on a proposal from the Commission, to take appropriate measures including partial suspension acting by a qualified majority. The Council shall act unanimously in case of a full suspension of application of the ACP-EC Agreement in relation to the ACP State concerned.

These measures shall remain in force until such time as the Council has used the applicable procedure as set out in the first subparagraph to take a decision amending or revoking the measures adopted previously, or where applicable, for the period indicated in the Decision.

For that purpose the Council shall proceed to review regularly and at least every six months the above measures.

The President of the Council shall notify the measures thus adopted to the ACP State concerned and to the ACP-EC Council of Ministers before they enter into force.

The Council's Decision shall be published in the Official Journal of the European Communities. Where the measures are adopted immediately, notification thereof shall be addressed to the ACP State and to the ACP-EC Council of Ministers at the same time as an invitation to hold consultations.

3. The European Parliament shall be immediately and fully informed of any decision taken under paragraphs 1 and 2 of this Annex.
-