

Tanzania	10 000
Trinidad and Tobago	69 000
Uganda	5 000
People's Republic of Congo	10 000

2. Subject to Article 7, these quantities may not be reduced without the consent of the individual States concerned.
3. Nevertheless, in respect of the period up to 30 June 1975, the agreed quantities, expressed in metric tons of white sugar, shall be as follows:

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

Article 4

1. In each 12-month period from 1 July to 30 June inclusive, hereinafter referred to as the 'delivery period', the sugar-exporting ACP States undertake to deliver the quantities referred to in Article 3 (1), subject to any adjustments resulting from the application of Article 7. A similar undertaking shall apply equally to the quantities referred to in Article 3 (3) in respect of the period up to 30 June 1975, which shall also be regarded as a delivery period.
2. The quantities to be delivered up to 30 June 1975, referred to in Article 3 (3), shall include supply en route from port of shipment or, in the case of landlocked States, across frontiers.
3. Deliveries of ACP cane sugar in the period up to 30 June 1975 shall benefit from the guaranteed prices applicable in the delivery period beginning 1 July 1975. Identical arrangements may be made for subsequent delivery periods.

Article 5

1. White or raw sugar shall be marketed on the Community market at prices freely negotiated between buyers and sellers.
2. The Community shall not intervene if and when a Member State allows selling prices within its borders to exceed the Community's threshold price.

3. The Community undertakes to purchase, at the guaranteed price, quantities of white or raw sugar, within agreed quantities, which cannot be marketed in the Community at a price equivalent to or in excess of the guaranteed price.
4. The guaranteed price, expressed in units of account, shall refer to unpacked sugar, cif European ports of the Community, and shall be fixed in respect of standard quality sugar. It shall be negotiated annually, within the price range obtaining in the Community, taking into account all relevant economic factors, and shall be decided at the latest by 1 May immediately preceding the delivery period to which it will apply.

Article 6

Purchase at the guaranteed price, referred to in Article 5 (3), shall be assured through the medium of the intervention agencies or of other agents appointed by the Community.

Article 7

1. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons of force majeure the Commission shall, at the request of the State concerned, allow the necessary additional period for delivery.
2. If a sugar-exporting ACP State informs the Commission during the course of a delivery period that it will be unable to deliver its agreed quantity in full and that it does not wish to have the additional period referred to in paragraph 1, the shortfall shall be reallocated by the Commission for delivery during the delivery period in question. Such reallocation shall be made by the Commission after consultation with the States concerned.
3. If, during any delivery period, a sugar-exporting ACP State fails to deliver its agreed quantity in full for reasons other than force majeure, that quantity shall be reduced in respect of each subsequent delivery period by the undelivered quantity.
4. It may be decided by the Commission that, in respect of subsequent delivery periods, the undelivered quantity shall be reallocated between the other States, which are referred to in Article 3. Such reallocation shall be made in consultation with the States concerned.

Article 8

1. At the request of one or more of the States supplying sugar under the terms of this Protocol, or of the Community, consultations relating to all measures necessary for the application of this Protocol shall take place within an appropriate institutional framework to be adopted by the Contracting Parties.

For this purpose the institutions established by the Convention may be used during the period of application of the Convention.

2. In the event of the Convention ceasing to be operative, the sugar-supplying States referred to in paragraph 1 and the Community shall adopt the appropriate institutional provisions to ensure the continued application of the provisions of this Protocol.
3. The periodical reviews provided for under this Protocol shall take place within the agreed institutional framework.

Article 9

Special types of sugar traditionally delivered to Member States by certain sugar-exporting ACP States shall be included in, and treated on the same basis as, the quantities referred to in Article 3.

Article 10

The provisions of this Protocol shall remain in force after the date specified in Article 91 of the Convention. After that date the Protocol may be denounced by the Community with respect to each ACP State and by each ACP State with respect to the Community, subject to two years' notice.

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 ⁷.
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 ⁸
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 ⁹.

⁷ Annex XIII to the Final Act of the ACP – EEC Convention.

⁸ Annex XXI to the Final Act of the ACP – EEC Convention

⁹ 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

Brussels,

Sir,

The representatives of the ACP States referred to in Protocol 7 on ACP sugar annexed to the Second ACP-EEC Convention and of the Commission on behalf of the European Economic Community, have agreed on the following:

- Saint Christopher and Nevis is hereby included in Article 3 (1) of the said Protocol with an agreed quantity of 14 800 tonnes with effect from the day on which it accedes to the Second ACP-EEC Convention

Up to this date, the provisions of 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

Brussels,.....

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

Brussels,.....

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 an Agreement between the Governments of the abovementioned ACP States and the European Community.”

I have the honour to confirm the agreement of the Governments of the ACP States referred to in your letter with the contents thereof.

Please accept, Sir, the assurance of my highest consideration.

*For the Governments of the ACP States
referred to in Protocol No8
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:	18916 tons
Kenya:	142 tons
Madagascar:	7 579 tons
Swaziland:	3 363 tons
Zimbabwe:	9 100 tons
Namibia:	13000 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	Mozambique
Benin	Niger
Burkina Faso	Rwanda
Burundi	Samoa
Republic of Cape Verde	São Tome and Principe
Central African Republic	Sierra Leone
Chad	Solomon Islands
Comoro Islands	Somalia
Democratic Republic of Congo	Sudan
Djibouti	Tanzania
Ethiopia	Tuvalu
Eritrea	Togo
Gambia	Uganda
Guinea	Vanuatu
Guinea (Bissau)	Zambia
Guinea (Equatorial)	
Haïti	
Kiribati	
Lesotho	
Liberia	
Malawi	
Mali	
Mauritania	
Madagascar	

Landlocked ACP States

Article 2

Specific measures and provisions have been made to support landlocked ACP States in their efforts to overcome the geographical difficulties and the other obstacles hampering their development so as to enable them to speed up their respective rates of growth.

Article 3

The landlocked ACP States are:

Botswana	Mali
Burkina Faso	Niger
Burundi	Rwanda
Central African Republic	Swaziland
Chad	Uganda
Ethiopia	Zambia
Lesotho	Zimbabwe
Malawi	

Island ACP States

Article 4

Specific measures and provisions have been made to support island ACP States in their efforts to overcome the natural and geographical difficulties and the other obstacles hampering their development so as to enable them to speed up their respective rates of growth.

Article 5

List of island ACP States:

Antigua and Barbuda	Papua New Guinea
Bahamas	Saint Kitts and Nevis
Barbados	Saint Lucia
Cape Verde	Saint Vincent and the Grenadines
Comoros	Samoa
Dominica	São Tome and Principe
Dominican Republic	Seychelles
Fiji	Solomon Islands
Grenada	Tonga
Haiti	Trinidad and Tobago
Jamaica	Tuvalu
Kiribati	Vanuatu
Madagascar	
Mauritius	

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-EU institutions, the Community shall make a contribution to this Fund as provided for in the Financial Protocol (€ 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 this 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 CONTRACTING 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 prejudices 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, as 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 co-ordinating 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 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 Industry and the Technical Centre for Agricultural and Rural Cooperation.

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 co-ordinating 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 co-ordinating 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 32.2(g), 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 Contracting Parties agree that the status of South Africa in this Agreement is subject to certain qualifications as set out in this Protocol.
2. South Africa's status in this Agreement shall not affect the bilateral Trade and Development Co-operation Agreement between the European Community, its Member States and South Africa signed in Pretoria on 11 October 1999, hereinafter referred to as the 'TDCA'.

Article 2 ***General provisions, political dialogue and joint institutions***

1. The Contracting Parties agree that 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 enjoy voting rights in any of the joint institutions or bodies.

Article 3 ***Co-operation strategies***

The Contracting Parties agree that the provisions on co-operation strategies of this Agreement shall apply to co-operation between the EU and South Africa.

Article 4 ***Financial Resources***

1. The provisions of the Agreement on development finance co-operation 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 co-operation listed in Article 8 below, on the understanding that South Africa's participation will be fully financed from the resources foreseen under Title VII of the TDCA. Where resources from the TDCA are deployed for participation in operations in the framework of ACP-EU financial co-operation, South Africa will enjoy the right to fully participate 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 foreseen 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 co-operation

1. The provisions of this Agreement on economic and trade co-operation shall not apply to South Africa.
2. Nonetheless, South Africa shall be associated as an observer in the dialogue between the Contracting Parties pursuant to Articles 34 – 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 ACP-EU 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 which shall not apply.

<u><i>Applicable</i></u>	<u><i>Remarks</i></u>	<u><i>Not applicable</i></u>
Preamble		
Part I, Title I, Chapter 1: 'Objectives, principles and actors' (Articles 1 – 7)		
Part I, Title II, 'The political dimension'; Articles 8 – 13		
Part 2, 'Institutional provisions'; Articles 14 – 17	<i>In accordance with Article 1 of this protocol, SA shall not have voting rights in any of the joint institutions or bodies in areas of the Agreement which are not applicable to SA.</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 Contracting Parties pursuant to Articles 34 – 40.</i>	Part 3, Title II, Economic and Trade Co-operation.
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 co-operation on the understanding that such participation will be fully financed from the resources foreseen under Title VII of the TDCA.</i> <i>In accordance with article 2 above, South Africa may participate in the ACP-EC Development Finance Co-operation Committee foreseen in Article 83, without enjoying voting rights in relation to provisions that do not apply to South Africa.</i>	Part 4, Development Finance Co-operation
Part 5, General Provisions for the Least Developed, Landlocked and Island ACP States, Articles 84 - 90		
Part 6, Final Provisions, Articles 91 - 100		
		Annex I (Financial Protocol)

<i>Applicable</i>	<i>Remarks</i>	<i>Not applicable</i>
Annex II, <i>Terms and conditions of Financing</i> , 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 co-operation on the understanding that South Africa's participation will be fully financed from the resources foreseen under Title VII of the TDCA.</i>	Annex II, <i>Terms and conditions of Financing</i> , Chapters 1, 2, 3 and 4
Annex III <i>Institutional Support (CDE and CTA)</i>	<i>In accordance with Article 4 above, South Africa shall have the right to participate in certain areas of development finance co-operation on the understanding that South Africa's participation will be fully financed from the resources foreseen under Title VII of the TDCA.</i>	
Annex IV, <i>Implementation and Management Procedures</i> : Articles 6 – 14, (<i>Regional co-operation</i>) Articles 20 – 32 (<i>Competition and preference</i>)	<i>In accordance with Article 4 above, where resources from the TDCA are deployed for participation activities in the framework of ACP-EU financial co-operation, 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 foreseen for tenderers from the ACP States.</i>	Annex IV, Articles 1 – 5 (<i>national programming</i>); 15 – 19 (<i>provisions relating to the project cycle</i>), 27 (<i>preference to ACP contractors</i>) and 34 – 38 (<i>Executing agents</i>)
		Annex V / trade regime during the preparatory period.
Annex VI; List of Least Developed, island and landlocked ACP States.		