

Brussels, 25th November 1980

RECOMMENDATION FOR A COUNCIL REGULATION (EEC)

concerning the conclusion of the Agreement on the accession of the Republic of Zimbabwe to the second ACP-EEC Convention of Lomé

RECOMMENDATION FOR A COUNCIL REGULATION (EEC)

concluding the Interim Agreement between the European Economic Community and the Republic of Zimbabwe

DRAFT DECISION OF THE ACP-CEE COUNCIL OF MINISTERS

amending the list of Landlocked ACP States

(presented by the Commission to the Council)

COMMISSION COMMUNICATION

TO THE COUNCIL

On 4 November the Republic of Zimbabwe, the Community and the Member States signed, in Luxembourg, the Agreement on the accession of Zimbabwe to the second Lomé Convention and the Interim Agreement between the EEC and the Republic of Zimbabwe.

The Commission's recommendations therefore concern:

- i. a draft Council regulation concluding the Agreement on the accession of Zimbabwe to the second Lomé Convention, and
- ii. a draft Council regulation concluding the Interim Agreement between the EEC and the Republic of Zimbabwe.

The Commission also submits to the Council herewith a draft decision of the ACP-EEC Council of Ministers to include the Republic of Zimbabwe in the list of landlocked ACP States (Article 155(3)(b) of Lomé II), in accordance with the undertaking given by the Community in a declaration annexed to the final act of the accession agreement.

RECOMMENDATION FOR
COUNCIL REGULATION (EEC)

concerning the conclusion of the Agreement
on the accession of the Republic of Zimbabwe
to the second ACP-EEC Convention of Lomé

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 238 thereof,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the European Parliament¹,

Whereas the Agreement on the accession of the Republic of Zimbabwe to
the second ACP-EEC Convention of Lomé², hereinafter referred to as the
'Convention', and a Final Act, were signed in Luxembourg on 4 November 1980
by that State and the European Economic Community;

Whereas that Agreement should be concluded,

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2 OJ No.

HAS ADOPTED THIS REGULATION:

Article 1

The Agreement on the accession of the Republic of Zimbabwe to the Convention, and the Final Act and declarations annexed thereto, are hereby approved on behalf of the European Economic Community.

The texts referred to in the first paragraph are annexed to this Regulation.

Article 2

The President of the Council, as regards the Community, shall deposit the act of notification of the conclusion of the Agreement, in accordance with Article 3(1) of the Agreement.*

Article 3

Save where otherwise provided, any mention of the ACP States in the acts of the Institutions of the Community shall also refer to the Republic of Zimbabwe.

Article 4

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

* Footnote to be inserted in the OJ:

"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."

AGREEMENT
ON THE ACCESSION OF THE REPUBLIC OF ZIMBABWE
TO THE SECOND ACP-EEC CONVENTION
SIGNED AT LOME ON 31 OCTOBER 1979

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 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,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European
Economic Community, (hereinafter called "the Community") signed
at Rome on 25 March 1957, and whose States are hereinafter
referred to as "Member States" and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,
on the one hand, and

THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE,
on the other hand,

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HAVING REGARD to the Treaty establishing the European Economic Community, hereinafter called the "Treaty",

HAVING REGARD to the Second ACP-EEC Convention between the African, Caribbean and Pacific States and the European Economic Community, signed at Lomé on 31 October 1979, hereinafter called the "Convention", and in particular Article 186 thereof,

WHEREAS Zimbabwe has applied to accede to the Convention;

WHEREAS the ACP-EEC Council of Ministers has approved the application,

HAVE DECIDED to conclude an Agreement on the accession of Zimbabwe to the Convention, and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

HER MAJESTY THE QUEEN OF DENMARK:

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

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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:

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND:

5
THE COUNCIL OF THE EUROPEAN COMMUNITIES:

THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE:

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

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. By this Agreement Zimbabwe accedes to the Convention.
2. Save as otherwise provided in this Agreement, the provisions of the Convention and also the decisions and other implementing measures taken by the institutions of the Convention shall apply to Zimbabwe.

ARTICLE 2

The time limits laid down by the Convention and calculated from the entry into force of the Convention shall for the purpose of application to Zimbabwe be calculated from the entry into force of this Agreement.

ARTICLE 3

1. As regards the Community, this Agreement shall be validly concluded by a decision of the Council of the European Communities taken in conformity with the provisions of the Treaty and notified to the Parties. It shall be ratified by the Signatory States in conformity with their respective constitutional requirements.

2. The instruments of ratification and the act of notification of the conclusion of the Agreement shall be deposited, as regards Zimbabwe, with the Secretariat of the Council of the European Communities and, as regards the Community and the Member States, with the Secretariat of the ACP States. The Secretariats shall forthwith give notice thereof to the Signatory States and the Community.

ARTICLE 4

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 Zimbabwe and of the act of notification of the conclusion of the Agreement by the Community.

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ARTICLE 5

This Agreement, drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities and with the Secretariat of the ACP States, which shall both transmit a certified copy to the Government of each of the Signatory States.

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FINAL ACT

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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 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,
Her Majesty the Queen of the United Kingdom of Great
Britain and Northern Ireland,
and the Council of the European Communities,
of the one part, and

the President of the Republic of Zimbabwe,
of the other part,

meeting at _____ on _____
for the purpose of signing an Agreement on the accession of
Zimbabwe to the Second ACP-EEC Convention signed at Lomé on
31 October 1979 between the African, Caribbean and Pacific
States and the European Economic Community, have adopted the
following text:

the Agreement on the accession of the Republic of Zimbabwe
to the Second ACP-EEC Convention.

The Plenipotentiary of the President of the Republic
of Zimbabwe has stated that the Republic of Zimbabwe
associates itself with the Declarations listed below, which
constitute Annexes I to XXIV to the Final Act of the Second
ACP-EEC Convention.

1. Joint Declaration on the presentation of the Convention to GATT (Annex I)
2. 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 2(2) of the Convention (Annex II)
3. Joint Declaration on Articles 9 and 11 of the Convention (Annex III)
4. Joint Declaration on products covered by the Common Agricultural Policy (Annex IV)
5. Joint Declaration on trade between the European Economic Community and Botswana, Lesotho and Swaziland (Annex V)
6. Joint Declaration on Article 46(3) of the Convention (Annex VI)
7. Joint Declaration on ACP-EEC consultations in the event of the establishment of a system for the stabilization of export earnings at world level (Annex VII)
8. Joint Declaration on the encouragement of mining investment (Annex VIII)
9. Joint Declaration on investments relating to Article 64 of the Convention (Annex IX)

10. Joint Declaration on complementary financing of industrial co-operation (Annex X)
11. Joint Declaration on Article 82 of the Convention (Annex XI)
12. Joint Declaration on Article 131 of the Convention (Annex XII)
13. Joint Declaration on Article 132 of the Convention (Annex XIII)
14. Joint Declaration reproducing the text of Articles 24 to 27 of Protocol No 2 to the ACP-EEC Convention of Lomé referred to in Article 142 of this Convention and the joint declaration on Article 26 of the said Protocol (Annex XIV)
15. Joint Declaration on workers who are nationals of one of the Contracting Parties and are residing legally in the territory of a Member State or an ACP State (Annex XV)
16. Joint Declaration on representation of regional economic groupings (Annex XVI)
17. Joint Declaration on Article 185 of the Convention (Annex XVII)
18. Joint Declaration on sea fishing (Annex XVIII)
19. Joint Declaration on shipping (Annex XIX)
20. Joint Declaration on Protocol No 1 (Annex XX)
21. Joint Declaration on the origin of fishery products (Annex XXI)
22. Joint Declaration on Protocol No 5 (Annex XXII)

13

23. Joint Declaration on Article 1 of Protocol No 5 (Annex XXIII)

24. Joint Declaration on Article 4 of Protocol No 5 (Annex XXIV).

The Plenipotentiary of the President of the Republic of Zimbabwe has taken note of the Declarations listed below, which constitute Annexes XXV - XL to the Final Act of the Second ACP-EEC Convention:

1. Community Declaration on trade liberalization (Annex XXV)
2. Community Declaration on Article 2(2) of the Convention (Annex XXVI)
3. Community Declaration on Article 3 of the Convention (Annex XXVII)
4. Community Declaration on Article 9(2)(a) of the Convention (Annex XXVIII)
5. Community Declaration on Article 12(3) of the Convention (Annex XXIX)
6. Community Declaration on Article 21 of the Convention (Annex XXX)
7. Community Declaration on Article 95 of the Convention (Annex XXI)
8. Community Declaration on Article 95 of the Convention (Annex XXII)

- 13
9. Community Declaration on Article 156 of the Convention
(Annex XXXIII)
 10. Declaration by the Representative of the Government of
the Federal Republic of Germany concerning the definition
of German nationals (Annex XXXIV)
 11. Declaration by the Representative of the Government of
the Federal Republic of Germany concerning the application
to Berlin of the Convention (Annex XXXV)
 12. Community Declaration on Article 30 and 31 of the Convention
(Annex XXXVI)
 13. Community declaration relating to Protocol No 1 on the
extent of territorial waters (Annex XXXVII)
 14. Community Declaration on Protocol No 2 (Annex XXXVIII)
 15. Community Declaration relating to Protocol No 2 on the
operating expenses of the Institutions (Annex XXXIX)
 16. Community Declaration on Protocol No 3 (Annex XL)

The Plenipotentiary of the President of the Republic of Zimbabwe has stated that the Republic of Zimbabwe associates itself with the Declarations listed below which constitute Annexes XLI to XLIV to the Final Act of the Second ACP-EEC Convention:

1. Declaration of the ACP States on Article 2 of the Convention
(Annex XLI)

- 15
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2. Declaration of the ACP States on the scheme for mineral products (Annex XLII)
 3. Declaration by the ACP States concerning Article 95 of the Convention (Annex XLIII)
 4. Declaration of the ACP States on the origin of fishery products (Annex XLIV).

The Plenipotentiaries of the Contracting Parties have also adopted the texts on the following declarations annexed to this Final Act:

1. Declaration on the trade regime
2. Declaration on beef and veal
3. Declaration on sugar.

The Plenipotentiary of the President of the Republic of Zimbabwe has taken note of the following declaration annexed to this Final Act:

4. Community Declaration on Article 155(3)(b) of the Convention.

The Plenipotentiaries of the Member States and the Plenipotentiary of the President of the Republic of Zimbabwe have also adopted the text of the Agreement on products within the province of the European Coal and Steel Community.

Annex 1

Declaration on the trade regime

Having regard to Article 9 of the Second ACP-EEC Convention and to the Declaration in Annex XXVIII to the Convention, the Community recognizes, and the Government of Zimbabwe declares:

- that if any modification to the Zimbabwe customs tariff and to its preferential arrangements with a developed third country is contemplated, the Government of Zimbabwe will enter into immediate consultations with the Community regarding such intentions;
- that the Government of Zimbabwe and the Community will have immediate consultations at the request of either party, whenever the preferential treatment granted to another developed country might be considered as giving rise to a less favourable treatment for Community exports.

Declaration on beef and veal

Zimbabwe has taken note of the special regime, which has been introduced for the benefit of certain ACP States, which are traditional exporters of beef and veal to the Community, as set out in the exchanges of letters on ACP beef and veal dated 31 October 1979.

The Community, within the framework of the commitments which it has taken in this respect, is prepared to apply the same regime to Zimbabwe, from the date of its accession to the Second ACP-EEC Convention for the remaining period of the said Convention.

For the first two years, the Community shall grant Zimbabwe an annual quantity of 8,100 metric tons of boned or boneless beef and veal. For the remaining period, Zimbabwe shall continue to benefit in the same way in respect of an annual quantity of 8,100 metric tons subject to the normal application of the regime mentioned above.

In subscribing to this declaration, Zimbabwe has stated that the revenue accruing from the tax, equivalent to the levy abatements, imposed on its beef and veal exports, will be used to meet national priorities in the livestock sector, where these relate to small-holder production notably through:

- the improvement and development of the veterinary services of small-holders;

17

- the improvement and development of abattoirs which provide significant services to small-holders;
- the improvement of extension, training and development services in favour of small scale producers.



Declaration on sugar

1. The Community, noting that Zimbabwe was a party to the Commonwealth Sugar Agreement, agreed with Zimbabwe that it should enjoy the award of a quantity of sugar of 25,000 metric tons of white equivalent per annum, and that in consequence it should become a member of the Protocol on ACP Sugar.

The parties further agreed that immediately after the day of accession of Zimbabwe to the Second ACP-EEC Convention and at the latest six months thereafter, Zimbabwe and the Commission will meet with a view to determining by common agreement the timetable of the quantities to be delivered in order to reach the quantity specified in the preceding paragraph.

2. The Government of Zimbabwe, by agreeing to the text of paragraph 1, expects that the first supplies of 25,000 metric tons of sugar per annum will take place during the delivery period 1982/1983.
3. For its part, the Community confirms that it will take the necessary steps to ensure that the objective of 25,000 metric tons will be reached as soon as possible and guarantees that, starting from the delivery period 1982/1983, the price conditions provided for in the Protocol on ACP Sugar will be applied to an annual quantity of 25,000 metric tons of sugar originating in Zimbabwe.

Community Declaration
on Article 155(3)(b) of the Convention

The Community, by reason of the fact that Zimbabwe is a land-locked State, will propose to the ACP-EEC Council of Ministers that Zimbabwe, as from its accession, be included in the list contained in Article 155(3)(b) of the Second ACP-EEC Convention.

Minutes of the Negotiations on the Agreement for the
accession of Zimbabwe to the Second ACP-EEC Convention

In the context of the negotiations that have led to the conclusion of an Agreement for the accession of Zimbabwe to the Second ACP-EEC Convention, the Community negotiator for the benefit of the Zimbabwean Delegation:

- (1) handed over and commented on the texts on veterinary and health provisions governing access to the Community of meat from third countries;
- (2) explained the problems caused to the Community by imports of tobacco, particularly from the ACP States, among which Zimbabwe would be playing an important rôle. In this connection, the Zimbabwean Delegation was informed of the special problems that would be caused by any increase in tobacco imports into the Community over and above the average level for the last few years. The Zimbabwean Delegation was informed in this context of the mechanisms governing imports of tobacco into the Community;
- (3) handed over and commented on certain information relating to the financial aspects of accession. In that context account has been taken of the date of accession;

(4) handed over the texts of the declaration annexed to the Minutes of the signing of the Second ACP-EEC Convention and those contained in the Minutes of the Negotiations for the said Convention.

The Zimbabwean Delegation noted the above.

Meyer

Dr. Klaus Meyer
Director General for
Development
Commission of the
European Communities

A. J. Saich

A.J. Saich
Permanent Secretary
Ministry of Commerce and
Industry

AGREEMENT
ON PRODUCTS WITHIN THE PROVINCE OF THE
EUROPEAN COAL AND
STEEL COMMUNITY

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 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,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European
Coal and Steel Community signed in Paris on 17 April 1951, whose
States are hereinafter referred to as "Member States",

on the one hand, and

THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE,

on the other hand,

HAVING REGARD to the Treaty establishing the European Coal and Steel Community,

HAVING REGARD to the Treaty establishing the European Economic Community , and in particular Article 232 thereof,

WHEREAS an Agreement on the accession of the Republic of Zimbabwe to the Second ACP-EEC Convention signed at Lomé on 31 October 1979, has been signed this day,

WHEREAS the Second ACP-EEC Convention does not apply to products falling within the province of the European Coal and Steel Community,

DESIROUS however of developing trade in these products between the Member States and Zimbabwe under the same conditions established in the Agreement on products within the province of the European Coal and Steel Community between the Member States and the ACP States, signed at Lomé on 31 October 1979,

HAVE DECIDED to conclude this Agreement and to this end have designated as Plenipotentiaries:

25

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 FRENCH REPUBLIC:

THE PRESIDENT OF IRELAND:

27

26

THE PRESIDENT OF THE ITALIAN REPUBLIC:

HIS ROYAL HIGHNESS THE GRAND-DUKE OF LUXEMBOURG:

HER MAJESTY THE QUEEN OF NETHERLANDS:

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND:

THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE:

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

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Products within the province of the European Coal and Steel Community shall, when they originate in Zimbabwe, on import into the Community, be admitted free of customs duties and charges having equivalent effect.

ARTICLE 2

Products referred to in Article 1 originating in the Member States shall, on import into Zimbabwe, be admitted in accordance with the provisions of Title 1, Chapter 1, of the Second ACP-EEC Convention.

ARTICLE 3

If the offers made by the firms of Zimbabwe are likely to be detrimental to the functioning of the common market and if any such detriment is attributable to a difference in the conditions of competition as regards prices, Member States may take appropriate measures, such as withdrawing the concessions referred to in Article 1.

ARTICLE 4

Consultations shall take place between the parties concerned in all cases, where, in the opinion of one of them, the implementation of the above provisions, calls for such consultations.

ARTICLE 5

The provisions laying down the rules of origin for the application of the Second ACP-EEC Convention shall also apply to this Agreement.

ARTICLE 6

This Agreement shall not affect the provisions of the Treaty establishing the European Coal and Steel Community, nor the powers of jurisdiction conferred by that Treaty.

ARTICLE 7

This Agreement shall be ratified by the Signatory States. It shall enter into force at the same time as the Agreement on the accession of the Republic of Zimbabwe to the Second ACP-EEC Convention.

ARTICLE 8

This Agreement shall expire on 28 February 1985. It shall cease to apply to any Signatory State which, under Article 189 of the Second ACP-EEC Convention, is no longer a party to that Convention.

ARTICLE 9

This Agreement, drawn up in two originals, in the Danish, Dutch, English, French, German and Italian languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities and with the Secretariat of the ACP States, which shall both transmit a certified copy to the Government of each of the Signatory States.

COUNCIL REGULATION (EEC)

concluding the Interim Agreement between
the European Economic Community and the
Republic of Zimbabwe

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 113 thereof,

Having regard to the recommendation from the Commission,

Whereas pending the entry into force of the Agreement on the accession of
the Republic of Zimbabwe to the second ACP-EEC Convention of Lomé signed
at Luxembourg on 4 November 1980, the Interim Agreement between the
European Economic Community and the Republic of Zimbabwe signed at
Luxembourg on the same day should be concluded,

HAS ADOPTED THIS REGULATION:

Article 1

The Interim Agreement between the European Economic Community and the
Republic of Zimbabwe and the declarations annexed to the Final Act are
hereby approved on behalf of the Community.

The texts of the Interim Agreement and the Final Act are annexed to this
Regulation.

Article 2

The President of the Council, as regards the Community, shall give the notification provided for in Article 5 of the Interim Agreement¹.

Article 3

This Regulation shall enter into force on 1 January 1981.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President

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.

INTERIM AGREEMENT
BETWEEN
THE EUROPEAN ECONOMIC COMMUNITY
AND THE REPUBLIC OF ZIMBABWE

THE COUNCIL OF THE EUROPEAN COMMUNITIES,
of the one part, and

THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE,
of the other part,

WHEREAS the second ACP-EEC Convention, signed at Lomé on 31 October 1979, hereinafter referred to as the "Convention", will enter into force as soon as the necessary procedures are completed;

WHEREAS Zimbabwe has applied to accede to the Convention and the ACP-EEC Council of Ministers, by its Decision No 6/80 of 9 May 1980, has approved this request;

WHEREAS an agreement on Zimbabwe's accession was signed on _____ between the Community and its Member States on the one hand and Zimbabwe on the other and that the agreement cannot enter into force until a certain period of time has elapsed;

WHEREAS it is appropriate, pending the entry into force of the aforementioned accession agreement, to establish transitional trade arrangements as from 1 January 1981 which would replace those introduced unilaterally by the Community by virtue of Council Regulation (EEC) No 120/80;

.../...

WHEREAS these transitional arrangements can, at this stage, be made to correspond to the Convention's provisions on trade,

HAVE DECIDED to conclude this Interim Agreement and have designated as their Plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE:

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ARTICLE 1

From 1 January 1981 until the entry into force of the agreement on the accession of the Republic of Zimbabwe to the Convention, trade relations between the Community and Zimbabwe shall be governed by provisions corresponding to the trade arrangements laid down in Articles 1 to 19 of the Convention, in Protocol No 1 concerning the definition of the concept of "originating products" and methods of administrative co-operation, Protocol No. 4 on bananas and Protocol No. 5 on rum, annexed to the said Convention.

The provisions of Articles 1 to 19 of the Convention are set out in the Annex to this Interim Agreement, which shall form an integral part thereof.

ARTICLE 2

For the purpose of applying the texts referred to in Article 1:

- the word "Convention" shall be replaced by "Interim Agreement";
- "Zimbabwe" shall replace references to "ACP State(s)," except in the application of Protocol No. 1, in which the words "ACP State(s)" also cover Zimbabwe;

.../...

- the powers invested in the ACP-EEC Council of Ministers and in the other bodies provided for under the Convention shall be exercised jointly by the Community and Zimbabwe,
- the reference, which appears in the third subparagraph of Article 1 of the Convention, to measures under Titles V, VI, and VII of the Convention shall not apply.

ARTICLE 3

Save for the special provisions on relations between Zimbabwe and the French overseas departments, provided for in this Agreement, this Agreement shall apply, on the one hand, to those territories in which the Treaty establishing the European Economic Community is applied and under the conditions set out in that Treaty and, on the other hand, to the territory of the Republic of Zimbabwe.

ARTICLE 4

The arrangements applicable to trade between the ACP States and Greece as from 1 January 1981 shall also apply to trade between Zimbabwe and Greece.

.../...

ARTICLE 5

1. This Agreement shall be subject to ratification, acceptance or approval in accordance with the Contracting Parties' own procedures and the Parties shall notify one another of the completion of the procedures necessary for that purpose.

2. This Agreement shall enter into force on 1 January 1981 if the notifications referred to in paragraph 1 have been given by that date. Otherwise, it shall enter into force on the first day of the second month following the date on which the notifications referred to in paragraph 1 are given.

ARTICLE 6

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

ARTICLE 7

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, German and Italian languages, each text being equally authentic.

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For the record:

- Articles 1 to 19 of the Convention
- Protocols Nos 1, 4 and 5 of the Convention

FINAL ACT

79
The Plenipotentiaries

of the Council of the European Communities,
of the one part, and

the Plenipotentiary

of the President of the Republic of Zimbabwe,
of the other part,

meeting in _____ on _____, for the
signing of the Interim Agreement between the European
Economic Community and the Republic of Zimbabwe, have
adopted the following texts:

- the Interim Agreement between the European Economic
Community and the Republic of Zimbabwe, and the Annex
thereto,
- Protocol No 1 concerning the definition of the concept
of "originating products" and methods of administrative
co-operation,
- Protocol No 4 on bananas,
- Protocol No 5 on rum,

these Protocols forming an integral part of the second ACP-EEC
Convention, signed in Lomé on 31 October 1979.

The Plenipotentiaries of the Member States and of the
Community and the Plenipotentiary of Zimbabwe have also
agreed that the following Declarations annexed to the Final
Act of the Convention shall be applicable mutatis mutandis:

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1. 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 2(2) of the Convention (Annex II).
2. Joint declaration on Articles 9, and 11 of the Convention (Annex III).
3. Joint declaration on products covered by the common agricultural policy (Annex IV).
4. Joint declaration on Protocol No 1 (Annex XX).
5. Joint declaration on Protocol No 5 (Annex XXII).
6. Joint declaration on Article 1 of Protocol No 5 (Annex XXIII).
7. Joint declaration on Article 4 of Protocol No 5 (Annex XXIV).

They have also adopted the text of the following joint declaration:

8. Joint declaration on Article 9(2) of the Convention:

Having regard to Article 9 of the second ACP-EEC Convention and to the Declaration in Annex XXVIII to the Convention, the Community recognizes and the Government of Zimbabwe declares:

.../...

- that if any modification to the Zimbabwe tariff and to its preferential arrangements with a developed third country is contemplated, the Government of Zimbabwe will enter into immediate consultations with the Community regarding such intentions;
- that the Government of Zimbabwe and the Community will have immediate consultations at the request of either party, whenever the preferential treatment granted to another developed country might be considered as giving rise to less favourable treatment for Community exports.

The Plenipotentiary of the Republic of Zimbabwe has taken note of the content, mutatis mutandis, of the following declarations annexed to the Final Act of the Convention:

9. Community declaration on trade liberalization (Annex XXV).
10. Community declaration on Article 2(2) of the Convention (Annex XXVI).
11. Community declaration on Article 3 of the Convention (Annex XXVII).
12. Community declaration on Article 9(2)(a) of the Convention (Annex XXVIII).
13. Community declaration on 12(3) of the Convention (Annex XXIX).
14. Community declaration on Articles 30 and 31 of Protocol No 1 (Annex XXXVI).

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42

For the record:

Declarations annexed to the Final Act

ANNEX III

DECISION OF THE ACP-EEC COUNCIL OF MINISTERS

amending the list of landlocked ACP States

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the second ACP-EEC Convention of Lomé signed on 31 October 1979, hereinafter referred to as the 'Convention', and in particular Article 155(3)(b) thereof,

Having regard to the accession of the Republic of Zimbabwe to the Convention,

Whereas the Republic of Zimbabwe is a landlocked state,

HAS DECIDED AS FOLLOWS:

Article 1

The Republic of Zimbabwe shall be added to the list of ACP States referred to in Article 155(3)(b) of the Convention.

Article 2

This Decision shall enter into force on

Article 3

The ACP States, the Member States and the Community shall be required, each for its own part, to take the necessary steps to implement this Decision.

Done at

For the ACP-EEC Council of Ministers

The President