

TEXTS RELATING TO INDUSTRIAL COOPERATION

VII

**THIRD ACP-EEC CONVENTION OF LOMÉ
(signed on 8 December 1984)**

1 January 1986 – 31 December 1987



ACP-EEC COUNCIL OF MINISTERS
Brussels

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DECISION No 7/86
OF THE ACP-EEC COUNCIL OF MINISTERS
of 24. IV. 1986

on the composition of the Committee on Industrial Co-operation
and its rules of operation

THE ACP-EEC COUNCIL OF MINISTERS,

Having regard to the Third ACP-EEC Convention, signed at Lomé
on 8 December 1984, hereinafter referred to as "the Convention",
and in particular Article 70(2) thereof,

Anxious to ensure the fulfilment of the objectives which the
ACP States and the Community have set themselves in Title III
of Part Two of the Convention,

Having regard to the contribution that effective industrial co-operation between the ACP States and the Community can make to the industrial development of the ACP States;

Whereas the composition and the rules of operation of the Committee on Industrial Co-operation should be laid down,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Committee on Industrial Co-operation set up by Article 70 of the Convention (hereinafter referred to as "the Committee") shall be composed, on the one hand, of a representative of each of the Member States of the European Economic Community, a representative of the Commission of the European Communities and a representative of the European Investment Bank and, on the other hand, of eighteen representatives of the ACP States.

2. The term of office of the representative designated by the ACP Group of States shall be one year and shall be renewable. The Secretariat of the ACP States shall forward a list of these representatives to the Community.

Article 2

1. The tasks of the Committee, as defined in Article 70(1) of the Convention, are as follows:

- (a) to review progress made with the overall industrial co-operation programme resulting from the Convention and, where appropriate, submit recommendations to the Committee of Ambassadors;
- (b) to examine problems and policy issues in the field of industrial co-operation submitted to it by the ACP States or by the Community, and make any appropriate proposals;
- (c) to organize, at the request of the Community or of the ACP States, a review of trends in industrial policies of the ACP States and of the Member States as well as developments in the world industrial situation with a view to exchanging information necessary for improving industrial cooperation and facilitating the industrial development of the ACP States;

- (d) to establish the general strategy of the Centre for the Development of Industry referred to in Article 71 of the Convention, appoint the director and deputy director, nominate the Members of the Governing Board, appoint the two auditors, apportion, on an annual basis, the overall financial allocation provided for in Article 73(4) of the Convention and examine, on the basis of the annual reports of the Centre and the Governing Board, the deployment of these resources in order to assess whether the Centre's activities are in conformity with the objectives assigned to it in the Convention and report to the Committee of Ambassadors and, through it, to the Council of Ministers;
- (e) to carry out such other duties as may be assigned to it by the Committee of Ambassadors.

2. In accordance with Article 73(6) of the Convention, the Committee shall also submit to the Committee of Ambassadors drafts of the Centre's statute, financial and staff regulations and rules of procedure, for submission to the Council of Ministers.

Article 3

If necessary the Committee may, for the purpose of executing specific tasks, set up ad hoc working parties and shall determine their composition and terms of reference in advance. These working parties shall report to the Committee.

Article 4

The Office of Chairman of the Committee shall be held alternately for periods of six months by the ACP States and the Community.

Article 5

Meetings of the Committee shall be convened by the Chairman under the conditions set out in the Rules of Procedure provided for in Article 8.

Article 6

Without prejudice to Article 1, any ACP State which is not a member of the Committee may participate in meetings of the Committee as an observer.

Article 7

Within the framework of its duties, the Committee shall act by agreement between the ACP States on the one hand and the Community on the other.

Article 8

The Committee shall adopt its own rules of procedure.

Article 9

The regional economic groupings of the ACP States, referred to in Annex VIII to the Final Act of the Convention, as well as any other regional economic groupings between ACP States that may be approved by the Council of Ministers, may be represented at meetings of the Committee as observers.

Article 10

The Centre for the Development of Industry shall be invited unless the Committee decides otherwise, to those meetings of the Committee at which it establishes the general strategy of the Centre, apportions, on an annual basis, the overall financial allocation provided for in Article 73(4) of the Convention or conducts its annual examination of the Centre's activities.

Article 11

The Technical Centre for Agricultural and Rural Cooperation may be invited by the Chairman of the Committee to those of its meetings at which matters concerning that Centre are to be discussed.

Article 12

The Committee shall lay down detailed arrangements for the regular consultation of the economic and social sectors of the ACP States and of the Community.

Article 13

The ACP States, the Member States and the Community shall, each to the extent to which it is concerned, take the measures necessary to implement this Decision.

Article 14

This Decision shall enter into force on the same day as the Convention.

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
'Εγινε στις Βρυξελλες, στις
Datre at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addi'
Gedaan te Brussel,
Feito em Bruxelas, em

24. III. 1986

For el Consejo de Ministros ACP-CEE
For AVS-EPP Ministerrådets vegne
Für den AKP-EWG-Ministerrat
Για το Συμβούλιο των Υπουργών ΑΚΕ-ΕΟΚ
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For le Comité des Ambassadeurs ACP-CEE
Per il Comitato degli Ambasciatori ACP-CEE
Voor de ACS-EEG-Comité van Ambassadeurs
Pelo Comité dos Embaixadores ACP-CEE

El Presidente
Formand
Der Präsident
Ο Πρόεδρος
The President
Le président
Il Presidente
De Voorzitter
O Presidente

M.H.J.CH. RUTTEN

DECISION No 2/86
OF THE ACP-EEC COUNCIL OF MINISTERS
of 24 March 1986

laying down the statutes and rules of operation
of the Centre for the Development of Industry

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Third ACP-EEC Convention, signed at Lomé
on 8 December 1984 (hereinafter referred to as "the Convention"),
and in particular Article 73(6) thereof,

Having regard to Decision No 8/85 of the ACP-EEC Council of
Ministers of 21 June 1985 delegating powers to the Committee
of Ambassadors concerning the adoption of the texts relating to
the Centre for the Development of Industry referred to in
Article 73(6) of the Convention, and in particular Article 1
thereof,

Having regard to the proposal from the Committee of Ambassadors,

Anxious to ensure the fulfilment of the objectives which the
ACP States and the Community have set themselves in Title III
of Part Two of the Convention,

Having regard to the contribution that effective industrial co-operation between the ACP States and the Community can make to the industrial development of the ACP States,

Whereas Articles 71 to 74 of the Convention define the objective, tasks and general conditions of operation of the Centre for the Development of Industry;

Whereas the statutes and rules of operation of the Centre for the Development of Industry should be laid down,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Centre for the Development of Industry, established in accordance with Article 71 of the Convention and hereinafter referred to as "the Centre", shall enjoy in each of the States which are Parties to the Convention the most extensive legal capacity accorded to legal persons.

2. The Centre shall be non-profit-making. It shall have its seat in Brussels.

Article 2

The aim of the Centre shall be to help, within the framework of the provisions and principles of Title III of the Convention, to establish and strengthen industrial enterprises in the ACP States, particularly by encouraging joint initiatives by economic operators of the Community and the ACP States.

As a practical operational instrument, the Centre shall assist in the identification, promotion and implementation of viable industrial projects that meet the needs of ACP States, taking special account of domestic and external market opportunities and possibilities for the processing of local raw materials while making optimum use of the ACP States' endowments by way of factors of production.

In its efforts to help in establishing and strengthening industrial undertakings in the ACP States, the Centre shall adopt appropriate measures within the limits of its resources and its functions, in the field of transfer and development of technology, industrial training and information.

In carrying out the above tasks, the Centre shall take care to operate selectively by giving priority to small and medium-sized industrial enterprises and rehabilitation operations, and restoring existing viable industrial capacities to full utilization. It shall place special emphasis on opportunities for joint ventures and subcontracting.

The Centre shall pay special attention to the specific problems that arise as regards promotion of industrialization activities of the least-developed, landlocked and island ACP States.

At the request of one or more least-developed ACP States, the Centre shall grant special assistance for identifying on the spot, examining, assessing, preparing and promoting the implementation of industrial projects in the ACP State concerned and for contributing to such implementation.

The Centre shall act in close co-operation with the ACP States, the Member States and the Commission of the European Communities and the European Investment Bank within their respective areas of responsibility. Its activity shall be subject to periodic evaluation.

Article 3

In the framework of its objectives, the Centre's functions shall be to:

- (a) gather and disseminate all relevant information concerning trends in industrial sectors in the Community and the ACP States;
- (b) carry out studies, market research and evaluation work and gather and disseminate all relevant information on the industrial co-operation situation and opportunities and notably on the economic environment, the treatment which would-be investors may expect and the potential of viable industrial projects;
- (c) identify industrial policy-makers, promoters and economic and financial operators in the Community and ACP States and organize and facilitate contacts and meetings of all kinds between them;
- (d) carry out studies and appraisals aimed at identifying practical opportunities for industrial co-operation with the Community in order to promote the industrial development of the ACP States, and at facilitating the implementation of appropriate schemes;
- (e) supply information and also specific advisory services and expertise, including feasibility studies, with a view to expediting the establishment or restoration of industrial enterprises;

- (f) identify potential partners of the ACP States and the Community for joint investment operations and assist in the implementation and follow-up;
- (g) identify and evaluate, on the basis of needs indicated by ACP States, opportunities for industrial training, chiefly on-the-job, to meet requirements of existing as well as projected industrial undertakings in ACP States and, where appropriate, assist in the implementation of appropriate schemes;
- (h) identify, collect, evaluate and supply information and advice on the acquisition, adaptation and development of appropriate industrial technology relating to specific projects and, where appropriate, assist in the setting-up of experimental or demonstration schemes;
- (i) identify, appraise, evaluate, promote and assist in the implementation of viable industrial projects of the ACP States;
- (j) help, in appropriate cases, to promote the marketing of ACP manufactures on their domestic markets and on the markets of the other ACP States and the Community in order to encourage optimum exploitation of installed or projected industrial capacity;
- (k) identify and provide information on possible sources of financing and, where necessary, assist in the mobilization of funds from these sources for industrial projects in ACP States.

Article 4

The Centre's general strategy shall be established by the Committee on Industrial Co-operation (hereinafter referred to as "the Committee"), in accordance with Article 70(1)(d) of the Convention.

Article 5

1. The Centre shall be headed by a Director assisted by a Deputy Director, both of whom shall be appointed by the Committee.

The Director shall be responsible for the legal representation of the Centre.

3. The Director shall consult the Deputy Director on all matters of policy-making and administration of the Centre.

In the event of difficulties concerning the operation of the Centre, the Governing Board provided for in Article 6 may take up the matter.

Article 6

1. A Governing Board set up in accordance with Article 73(2) and (3) of the Convention, hereinafter referred to as "the Board") shall:

- (a) advise and back up the Director in providing impetus and motivation and in managing the Centre;
- (b) take the following decisions:
 - approve the budgets and annual accounts;
 - establish multiannual and annual programmes of activities;
 - approve the annual report;
 - establish the organization structures, staffing policy and establishment plan;
- (c) transmit an annual report to the Committee.

2. The Governing Board shall be composed, on a basis of parity, of twenty-four members with substantial experience in the private or public, industrial and banking sectors or in industrial development planning and promotion. They shall be chosen on a personal basis on the grounds of their qualifications from among nationals of the States party to the Convention and appointed by the Committee according to the procedures laid down by it. A representative of the Commission of the European Communities and of the European Investment Bank shall take part in the Board's proceedings. Two representatives of the Secretariat of the ACP-EEC Council shall take part in the Board's proceedings.

3. The members of the Board shall be appointed for the duration of the Convention.

4. The Chairman and the Vice-Chairman of the Board shall be appointed for a period of two and a half years. When this period expires, these offices will alternate between the Community and the ACP States.

5. The Board shall also select on a basis of parity from among its members four who, with the Chairman and the Vice-Chairman, shall be the officers of the Board responsible, under conditions laid down by the Board, for dispatching current business between meetings of the Board, and specifically for performing the functions referred to in Article 6(1)(a).

6. The Board shall lay down the number of meetings it is to hold each year. It shall also meet whenever necessary for the execution of its tasks, either on the initiative of its Chairman or Vice-Chairman, or at the request of the Director of the Centre.

7. The Director and the Deputy Director of the Centre shall take part in the proceedings of the Board in an advisory capacity. The Centre shall prepare the Board's meetings and provide the secretariat thereof.

8. The Board may invite experts from outside the Centre to give opinions on specific questions.

9. The Board shall adopt its own rules of procedure.

Article 7

Two auditors appointed by the Committee shall audit the financial management of the Centre.

Article 8

1. The Director shall be responsible for preparing the drafts of:

- multiannual and annual programmes of activities;
- the Centre's annual budget, within the limits of the annual apportionment by the Committee, of the overall financial allocation, in accordance with Article 70(1)(d) of the Convention;
- the annual accounts and report.

He shall submit these drafts for approval by the Board.

2. The Director shall regularly, at least twice a year, inform the Board of the activities of the Centre.

3. The Director shall be responsible for the organization and management of the Centre.

4. The Director shall draw up rules of procedure for the Centre, discuss them with the Board's officers and submit them for the Board's agreement before they are sent for approval by the Committee.

5. An annual report on the Centre's activities shall be drawn up to enable the Committee to examine the deployment of the financial resources allocated to the Centre and to assess whether its activities are in conformity with the objectives assigned to it.

Article 9

Members of the Board, the Director, the Deputy Director, the staff and all other persons participating in the activities of the Centre shall be bound, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

Article 10

Protocol 3 on Privileges and Immunities shall apply to the Centre and to its staff under the terms of that Protocol and without prejudice to the implementation of the Community Declaration contained in Annex LII to the Convention.

Article 11

These Statutes may be amended by the ACP-EEC Council of Ministers on the recommendation of the ACP-EEC Committee of Ambassadors.

Article 12

Article 291 of the Convention shall apply to the Centre.

Article 13

The ACP States, the Member States and the Community shall, each to the extent to which it is concerned, take the measures necessary to implement this Decision.

Article 14

This Decision shall enter into force on the same day as the Convention.

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Gedaan te Brussel,
Feito em Bruxelas, em

24. III. 1986

Por el Consejo de Ministros ACP-CEE
For AVS-EPF Ministerrådets vegne
Für den AKP-EWG-Ministerrat
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Per il Comitato degli Ambasciatori ACP-CEE
Voor de ACS-EEG-Comité van Ambassadeurs
Pelo Comité dos Embaixadores ACP-CEE

El Presidente
Formand
Der Präsident
Ο Πρόεδρος
The President
Le président
Il Presidente
De Voorzitter
O Presidente

M.H.J.CH. RUTTEN

DECISION No 3/86
OF THE ACP-EEC COUNCIL OF MINISTERS
of 24 March 1986

adopting the Financial Regulation
of the Centre for the Development of Industry

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Third ACP-EEC Convention signed at Lomé on 8 December 1984, hereinafter referred to as the "Convention" and in particular Article 73 thereof,

Having regard to Decision No 8/85 of the ACP-EEC Council of Ministers of 21 June 1985 delegating powers to the Committee of Ambassadors concerning the adoption of the texts relating to the Centre for the Development of Industry referred to in Article 73(6) of the Convention, and in particular Article 1 thereof,

Having regard to the proposal from the Committee of Ambassadors,

Whereas Decision No 2/86 of the ACP-EEC Council of Ministers of 24 March 1986 laying down the statutes and rules of operation of the Centre for the Development of Industry, hereinafter referred to as "the Centre", provides inter alia for the adopting of the Centre's budget by the Governing Board,

Whereas the procedures for the adoption and implementation of the Centre's budget should be adopted,

HAS DECIDED AS FOLLOWS:

I. GENERAL PRINCIPLES

Article 1

1. All items of revenue and expenditure of the Centre shall be included in estimates to be drawn up for each financial year and shall be shown in the budget.
2. The revenue and expenditure shown in the budget shall be in balance.

Article 2

The budget shall be drawn up in ECU as defined by the Council of the European Communities.

Article 3

Revenue shall include the contribution by the European Development Fund, the amount levied in taxes on the salaries, wages and other emoluments paid by the Centre, and any other resources which the Centre may possess.

Article 4

1. The estimates of the expenditure shall include recurrent and programme expenditure.
2. The financial year shall begin on 1 January and end on 31 December of each year.

Expenditure entered in the budget shall be authorized for a period of one financial year.

- a) However, appropriations duly committed during a financial year but not paid by 31 December of that year shall be carried over automatically to the following financial year.
- b) In addition the Director of the Centre, with the approval of the Governing Board, may exceptionally carry over such appropriations to the following financial year. To that end a list of requests for such carry-overs shall be submitted to the Governing Board.
- c) Appropriations which have been carried over to the following financial year shall be distinguished in the accounts of the current year.
- d) At the expiry of the Convention committed appropriations which have not yet been paid shall be carried over automatically for the duration of the transitional period leading up to the next Convention or for a winding up period of twelve months.
3. If, at the beginning of a financial year, the budget has not yet been adopted, the Director may incur administrative and programme expenditure monthly, provided that such expenditure does not exceed the sum of appropriations carried over plus one-twelfth of the appropriations entered under this title in the budget for the previous financial year and that this arrangement does not have the effect of placing at his disposal appropriations in excess of one-twelfth of those provided for in the draft budget.

II. ESTABLISHMENT OF THE BUDGET

Article 5

On the basis of the annual work programme adopted by the Governing Board, the Director, following discussions with the Board's officers, shall draw up a preliminary draft annual budget within the annual limits set by the Committee for Industrial Co-operation, and submit it to the Governing Board for approval no later than 1 October of the year preceding that of its execution.

The budget shall be adopted by the Governing Board by 15 November at the latest.

It shall be forwarded to the Commission of the European Communities, which shall initiate the Community procedures in force as regards the contribution requested from the European Development Fund, on the basis of the separate allocation provided for this purpose.

The budget shall be deemed to be finally adopted on the date on which the competent Community authority took the financing decision on the contribution requested from the European Development Fund.

The budget shall include a schedule for the paying in of revenue.

Article 6

The dates for the payment of the contribution to be made by the European Development Fund shall be fixed by agreement with the Commission of the European Communities. The balance of the contribution from the preceding year corresponding to appropriations which have become null and void shall be deducted.

The budget shall be subdivided into titles, chapters, articles and items according to the nature or purpose of the revenue or expenditure.

Article 7

Where necessary the Director may submit a draft supplementary or amending budget which shall be submitted, examined, established and adopted in the same form and according to the same procedure as the budget of which it amends the estimates.

III. IMPLEMENTATION OF THE BUDGET

Article 8

1. With the assistance of the Board's officers, the Director shall ensure that the budget is implemented on his own responsibility and within the limit of the appropriations allocated. He shall report to the Governing Board on the administration of the budget.
2. The Director must apply the budget appropriations in accordance with the principles of economy and sound financial management.

Article 9

1. No revenue or expenditure may be effected unless charged to an appropriate Article of the Budget.

No expenditure may be committed or authorized in excess of the appropriations authorized for the financial year concerned or of the authorizations granted in respect of subsequent financial years.

2. The entire amount of revenue and expenditure shall be entered in the budget and the accounts, without any setting-off between revenue and expenditure.

By way of derogation from that rule, the following may be deducted from the amounts authorized :

- a) penalties incurred by contractors;
- b) adjustment of amounts paid in error, which may be achieved by means of deduction when a subsequent validation is effected under the chapter, article and financial year in respect of which the excess payment was made;
- c) the value of vehicles, equipment and installations taken in part exchange upon purchase of new items of the same kind.

Again by way of derogation from the rule, the following amounts may be re-used :

- a) refunds of amounts paid in error;
- b) insurance payments received ;
- c) proceeds from the sale of vehicles, equipment and installations disposed of when replaced.

Article 10

1. The commitment and authorization of all expenditure and all revenue or imprests shall be scrutinized in advance by an internal audit body appointed by the Director.

The Governing Board may if necessary decide to call for an outside audit and shall give full instructions to the Director.

2. The purpose of the approval to be given by the internal audit body shall be to establish that expenditure has been charged to the correct item in the budget, that appropriations are available, that expenditure and revenue are in order and conform to the budget and regulations and that, where payments are concerned, there is concordance with the commitment of expenditure and the existence and conditions of payments due.

The internal audit body shall satisfy itself that principles of sound financial management are applied.

3. The internal audit body may withhold its approval if it considers that the above conditions are not fulfilled.

Except where the availability of the appropriations is in doubt, if the authorizing officer maintains his proposal the Director may overrule the refusal. He shall so inform the internal audit body.

4. At the request of the Director or the Governing Board, the internal audit body may undertake other tasks concerning the scrutiny, organization or review of the Centre's internal rules and procedures.

Article 11

Transfers from one title to another shall be decided by the Governing Board.

Transfers from one chapter to another and within chapters shall be decided by the Director, who shall inform the Governing Board accordingly.

Article 12

The revenue of the Centre shall be paid into one or more accounts opened in the name of the Centre.

IV. ADMINISTRATION OF THE BUDGET

Article 13

1. The budget of the Centre shall be administered in accordance with the principle that authorizing officers and accounting officers fulfil separate functions. The appropriations shall be administered by the authorizing officer, who alone shall have the power to enter into commitments regarding expenditure, establish sums due to be collected and issue revenue and payment orders.
2. Collection and payment operations shall be carried out by the accounting officer.

3. The authorizing officer may not exercise the functions of accounting officer or member of the internal audit body.

Article 14

1. All measures which may give rise to expenditure payable by the Centre must be preceded by a commitment proposal from the authorizing officer. The proposal shall be sent to the internal audit body for prior approval, accompanied by supporting documents.
2. A provisional commitment may be entered into in respect of current expenditure.
3. An account shall be kept of commitments and authorizations.

Article 15

1. The purpose of clearance of expenditure by the authorizing officer shall be :
 - a) to verify the existence of the rights of the creditor;
 - b) to determine or verify the existence and the amount of the debt;
 - c) to verify the conditions under which payment falls due.
2. Clearance of any expenditure shall be subject to the submission of supporting documents showing the creditor's claim and, where appropriate, the service rendered.

Article 16

1. Authorization shall be the act whereby the authorizing officer, by the issue of a payment order, authorizes the accounting officer to pay an item of expenditure which he has cleared.
2. The payment order shall be accompanied by the original supporting documents, which shall bear or be accompanied by the approval of the authorizing officer confirming that the amounts to be paid are correct, that the supplies have been received or that the service has been performed.
3. Copies of the supporting documents, certified as true copies by the authorizing officer may, in some cases, be accepted in place of the originals.
4. Payment orders shall be sent to the internal audit body for prior approval

Article 17

1. Payment shall be the final act whereby the Centre is discharged of its obligations towards its creditors.
2. Payment shall be made by the accounting officer within the limits of the funds available.

In the event of an error of substance or of the validity of the discharge being contested or of failure to comply with the procedures prescribed by the Financial Regulation, the accounting officer must suspend payment, and shall immediately inform the authorizing officer and the internal audit body accordingly.

3. Payments shall, as a general rule, be effected through a bank or post office giro account, preferably by bank transfer or, where good grounds exist, by cheque. In this case the transaction shall be denominated in the currency specified in the commitment or, where appropriate, in the currency of a Community Member State or an ACP State. Where another currency is to be used, grounds must be stated by the authorizing officer.
4. Cheques and post office or bank transfer orders shall bear two signatures, one of which must be that of the accounting officer.
5. A receipt shall be obtained in respect of cash payments.
6. The conversion rates to be used for the calculation in ECU of payments to be made or of revenue to be collected shall be those in force on the first working day of the month in which the real date of the operation falls, as published in the Official Journal of the European Communities (for Belgian or Luxembourg francs the convertible rate shall be used). Such real date shall be that on which the account or accounts of the Centre were debited or credited.

Article 18

1. The Director shall be the authorizing officer for the appropriations entered in the budget of the Centre.
2. The Director may delegate his powers to an agent under his authority. Each decision to delegate powers shall state the duration and extent of the mandate.

Article 19

The collection of revenue and the payment of expenditure shall be carried out by the accounting officer, who shall alone be empowered to manage funds and assets. He shall be responsible for their care. The accounting officer may delegate some of his powers in respect of the management of funds to the administrator of the imprest account. Such delegation must obtain the prior approval of the Director.

Article 20

1. The recovery of any sum due to the Centre shall give rise to the issue, by the authorizing officer, of a revenue order. Revenue orders shall be submitted to the internal audit body for prior approval.
2. The accounting officer shall assume responsibility for revenue orders forwarded to him by the authorizing officer.
3. A receipt shall be issued in respect of all cash payments made to the accounting officer or the administrator of the imprest account.

V. AUDITORS

Article 21

The Committee on Industrial Co-operation shall jointly appoint two auditors who shall discharge their duties jointly.

The task of the auditors shall be to audit the books and the cash of the Centre, to verify that the inventories and balance sheets have been drawn up in a regular manner and in good faith and to ensure that the information given regarding the accounts of the Centre is correct.

The purpose of the audit, which shall be based on records and, if necessary, performed on the spot, shall be to establish that all revenue has been received and all expenditure incurred in a lawful and regular manner and that the financial management has been sound.

After the close of each financial year the auditors shall draw up a report to the Committee on the manner in which they have carried out their task. The report shall also be forwarded to the Centre and to the Governing Board.

On the basis of this report and the balance sheet for the financial year, the Governing Board shall give the Director a discharge in respect of the implementation of the budget.

VI. GENERAL PROVISIONS

Article 22

Contracts relating to the purchase or hire of supplies, equipment and movable property, the provision of services, or works shall be concluded following an open or restricted invitation to tender. Wherever possible bids shall be sought from at least three candidates from countries which are Member States of the Community or ACP States.

The successful tenderer will be selected on the basis of the price quoted, evidence of professional competence and financial soundness, and the time quoted for performance of the contract.

Contracts shall be drawn up in ECU or, where the contractor so requests, advancing good grounds, in the currency of a Member State of the Community or an ACP State.

Contracts may be concluded by direct agreement :

- a) where the amount of the contract does not exceed 5,000 ECU;
- b) where, because of the extremely urgent nature of the supplies, services or works concerned, there is no time to use the tendering procedure, and provided that prior approval is obtained from the Chairman of the Governing Board;
- c) where, for technical reasons, a contract for additional supplies, services or works cannot be separated from the initial contract;

d) where the Centre is contributing along with ACP promoters and potential EEC investors to the financing of a contract aimed at the establishment or improvement of an ACP industry, on the following conditions :

- 1) the ACP sponsor shall cover the local costs of the contract, with external costs shared between the EEC partner and the Centre;
- 2) the contractor or contractors shall be chosen jointly by all parties;
- 3) both the ACP sponsor and the EEC partner shall indicate in writing their agreement in principle that the proposed investment should go ahead if the study shows it to be viable.

In specific cases the Centre may delegate the organization of the invitation to tender to an external body or firm, provided the choice of companies approached, the terms of reference and selection of the contractor are left to its sole discretion or, in the case of cofinancing, to the joint discretion of the Centre and the other cofinanciers.

Article 23

1. A permanent quantitative inventory shall be kept of all movable and immovable property belonging to the Centre.

Only movable property whose value is 100 ECU or more shall be entered in the inventory.

The inventory number shall be entered on each invoice before the latter is paid.

2. The sale of movable property and equipment of a unit purchase value in excess of 100 ECU shall be suitably advertised.
3. A record signed by both the Director of the Centre and the person responsible for the equipment and approved by the internal audit body shall be drawn up whenever any property or article in the inventory is disposed of, scrapped or is missing on account of loss, theft, or any other reason.

Article 24

1. The accounts shall be kept in ECU, by the double entry method and on the basis of the calendar year. They shall show all revenue and expenditure from 1 January to 31 December of each year and shall include the supporting documents.
2. Entries shall be made on the basis of an accounting system comprising a nomenclature of budgetary items which makes a clear distinction between the accounts which permit the balance sheet to be drawn up and those which permit the revenue and expenditure account to be drawn up. These entries shall be recorded in books or on cards, which shall make it possible to draw up a general monthly balance. All imprests shall be entered in a suspense account and cleared no later than the end of the following financial year, except in the case of standing imprests.

3. Each quarter a statement shall be drawn up showing the situation of the current budget and expenditure already effected ; this statement shall be approved by the internal audit body and forwarded to the Board's officers.
4. The balance sheet and the revenue and expenditure account shall be submitted to the Governing Board in ECU no later than 31 March of the following year.

Article 25

The ACP States, the Member States and the Community shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

Article 26

This Decision shall enter into force on the same day as the Convention.

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Gedaan te Brussel,
Feito em Bruxelas, em

24. III. 1986

Por el Consejo de Ministros ACP-CEE
For AVS-EPF Ministerrådets vegne
Für den AKP-EWG-Ministerrat
Για το Συμβούλιο των Υπουργών ΑΚΕ-ΕΟΚ
For the ACP-EEC Council of Ministers
Pour le Conseil des Ministres ACP-CEE
Per il Consiglio dei Ministri ACP-CEE
Voor de ACS-EEG-Raad van Ministers
Pelo Conselho de Ministros ACP-CEE

Por el Comité de Embajadores
På AVS-EPF Ambassadrådvalgets vegne
Im Namen des AKP-EWG-Botschafterausschusses
Για την Επιτροπή των Πόσθων ΑΚΕ-ΕΟΚ
For the ACP-EEC Committee of Ambassadors
Par le Comité des Ambassadeurs ACP-CEE
Per il Comitato degli Ambasciatori ACP-CEE
Voor de ACS-EEG-Comité van Ambassadeurs
Pelo Comité dos Embaixadores ACP-CEE

El Presidente
Formand
Der Præsident
Ο Πρόεδρος
The President
Le président
Il presidente
De Voorzitter
O Presidente

M.H.J.CH. RUTTEN

DECISION No 4/86
OF THE ACP-EEC COUNCIL OF MINISTERS
of 24 March 1986

laying down the conditions of employment of the staff
of the Centre for the Development of Industry

THE ACP-EEC COMMITTEE OF AMBASSADORS,

Having regard to the Third ACP-EEC Convention signed at Lomé on
8 December 1984, hereinafter called "the Convention", and in
particular Article 73(1) and (6) thereof,

Having regard to Decision No 8/85 of the ACP-EEC Council of
Ministers of 21 June 1985 delegating powers to the Committee of
Ambassadors concerning the adoption of the texts relating to
the Centre for the Development of Industry referred to in
Article 73(6) of the Convention, and in particular Article 1
thereof,

Having regard to the proposal from the Committee of Ambassadors,

Whereas the conditions of employment of the staff of the Centre should be laid down;

Whereas these conditions of employment should also apply to the Director and Deputy Director of the Centre, who are appointed by the Committee on Industrial Co-operation, hereinafter referred to as "the Committee", pursuant to Article 73(1) of the Convention;

Whereas steps should be taken to ensure the proper functioning of the Centre and to determine the conditions under which Protocol No 3 on privileges and immunities, annexed to the Convention, can be applied to certain staff of that Centre;

Whereas, as provided for in the said Protocol No 3, the staff of the Centre shall enjoy the customary privileges, immunities and facilities in the territory of the Member States and of the ACP States, in particular, whilst carrying out their duties; whereas these privileges, immunities and facilities must be treated as comparable to those of similar institutions operating under like conditions,

HAS DECIDED AS FOLLOWS:

TITLE 1

GENERAL PROVISIONS

Article 1

1. This Decision lays down the conditions of employment applicable to:
 - the Director and Deputy Director of the Centre;
 - the staff of the Centre;
 - the local staff of the Centre.

2. For the purposes of this Decision, persons engaged either to perform advisory duties which require university education or equivalent professional experience or to perform executive duties which require higher or full secondary level education or equivalent professional experience shall be regarded as staff.

3. For the purposes of this Decision, staff engaged according to local practice to perform manual or service duties not specified in Article 3 shall be regarded as local staff.

TITLE II

STAFF

CHAPTER I

Provisions concerning recruitment

Article 2

1. Staff shall be appointed by the Director for a specified period which may not exceed the duration of the Convention.
2. The Director shall furnish the Governing Board with advance information on all important matters relating to the recruitment of staff.

Such matters include vacancies, mode of advertisement, applications received and the method and basis of selection of the candidates as well as the conditions of termination of duties.

3. The Director shall inform the governing Board of the decisions which he has taken regarding the recruitment of staff.

Article 3

Staff shall be divided into categories corresponding to the duties to be performed.

Staff shall be graded according to qualifications and professional experience.

The following table shows the category and remuneration corresponding to each basic post:

I.	Category Basic post		Remuneration BFRs (Gross)		
	1	2	(a)	(b)	(c)
I.	1	Director	335.386		
	2	Deputy Director	306.810		
IIive	3 A)	Technical adviser	218.532	231.432	244.331
	3 B)		197.733	204.874	218.532
	4 A)	Officer assigned special duties	146.934	179.075	192.733
	4 B)		139.113	153.276	166.934
IIIive	5 A)	Assistant	102.437	114.578	127.477
	5 B)	Executive secretary	56.341	63.018	70.113

Article 4

Decisions appointing staff shall specify the duties to be performed by them and the remuneration to which they are entitled.

CHAPTER II

Rights and obligations

Article 5

Staff shall carry out their duties and conduct themselves solely with the interests of the Centre in mind; they shall neither seek nor take instructions from any government, authority, organization or person outside the Centre.

They shall not without the permission of the Director accept from any government or from any other source outside the Centre any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before engagement or during leave for military or other national service and in respect of such service.

Article 6

Staff shall abstain from any action and, in particular, any public expression of opinion which may reflect adversely on their position.

They may not engage in an outside activity, whether gainful or not, incompatible with the efficient performance of their duties or likely to be detrimental to the interests of the Centre.

Article 7

If the spouse of a staff member is in gainful employment, the staff member shall inform the Director thereof.

Should the nature of the employment prove to be incompatible with that of the staff member and if the latter is unable to give an undertaking that it will cease within a specified period, the Director shall decide whether the staff member is to continue in his post.

Article 8

Any staff member who, in the performance of his duties, is called upon to decide on a matter in the handling or outcome of which he has a personal interest such as to impair his independence shall inform the Director thereof.

Article 9

After leaving the service, staff shall be expected to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

.../...

Article 10

Staff shall exercise the greatest discretion with regard to all facts and information coming to their knowledge in the course of or in connection with the performance of their duties; they shall not in any manner whatsoever disclose to any unauthorized natural or legal person any document or information not already made public. They shall continue to be bound by this obligation after leaving the service.

Staff shall not, whether alone or together with others, publish or cause to be published, without the permission of the Director, any matter dealing with the work of the Centre. Permission shall be refused only where the proposed publication is liable to prejudice the interests of the Centre.

All rights in any writings or other work done by staff in the performance of their duties shall be the property of the Centre.

Article 11

Staff shall reside either in the place where they are employed or at no greater distance therefrom than is compatible with the proper performance of their duties.

Article 12

Whatever his rank, a staff member shall assist and tender advice to his superiors; he shall be responsible for the performance of the duties assigned to him.

A staff member in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibilities.

A staff member who receives instructions which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior thereof, if necessary, in writing. If he then receives written confirmation of the instructions from his superior, he shall carry them out unless they constitute a breach of criminal law.

Article 13

A staff member may be required to make good, in whole or in part, any damage suffered by the Centre as a result of serious misconduct on his part in the course of, or in connection with, the performance of his duties. Any decision taken by the Director in this regard shall give the reasons on which it is based.

Article 14

The Centre shall compensate any staff member for damage suffered as a result of threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties, insofar as he did not either intentionally or through grave negligence cause the damage and has been unable to obtain compensation from the person who did cause it.

Article 15

Staff shall be entitled to exercise the right of association. They may in particular be members of trade unions or staff associations.

CHAPTER III

Conditions of engagement

Article 16

1. Recruitment of staff shall be directed to securing for the Centre the services of persons of the highest standard of ability, efficiency and integrity.

Staff shall be selected without reference to race, creed or sex.

2. A staff member may be appointed only on condition that:
 - (a) he is a national of one of the States signatory to the Convention, save where an exception is authorized by the Committee, and enjoys his full rights as a citizen;
 - (b) he has fulfilled any obligations imposed on him by the laws concerning military service applicable to him;
 - (c) he produces the appropriate character references as to his suitability for the performance of his duties.
3. Before being engaged, staff members shall be medically examined by a medical practitioner appointed by the Centre.

Article 17

A staff member shall be required to serve a probationary period not exceeding six months.

During the probationary period the employment of a staff member whose work proves unsatisfactory may be terminated by the Director. In such case the staff member shall be paid, in lieu of notice, one month's salary or one third of his basic salary for each complete month worked on probation, whichever is the greater.

CHAPTER IV

Working conditions

Article 18

Staff in active employment shall at all times be at the disposal of the Centre. However, the normal working week shall not exceed forty-two hours, the hours of the normal working day to be determined by the Director.

Article 19

Staff may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work and all work on Sundays or public holidays may be authorized only in accordance with the procedure laid down by the Director.

Article 20

Staff shall be entitled to annual leave of not fewer than twenty-four working days nor more than thirty working days per calendar year, in accordance with rules to be laid down by the Director.

Apart from this annual leave, staff may exceptionally, on request, be granted by the Director special leave of very short duration with full pay, for example in the case of unusual domestic circumstances.

Article 21

All female members of staff shall be entitled, in addition to the leave provided for in Article 20, and on production of a medical certificate, to leave with full pay starting six weeks before the expected date of confinement shown in the certificate and ending eight weeks after the date of confinement; such leave shall not be for less than fourteen weeks.

Article 22

A staff member who provides evidence of incapacity to perform his duties because of sickness or accident shall automatically be entitled to paid sick leave within the limits set by rules to be established by the Director.

Article 23

Except in case of sickness or accident, a staff member may not be absent without prior permission from his immediate superior. Without prejudice to any disciplinary measures that may apply, any unauthorized absence which is duly established shall be deducted from the annual leave of the staff member concerned; If he has used up his annual leave, he shall forfeit his remuneration for an equivalent period.

Article 24

In exceptional circumstances the Director may grant a staff member, at the latter's request, unpaid leave on compelling personal grounds. The Director shall determine the length of such leave, which shall not exceed one quarter of the length of time already worked by the staff member concerned or three months, whichever is the shorter.

The length of the period of leave referred to in the first subparagraph shall not count for the purposes of applying the second subparagraph of Article 27.

Article 25

The list of public holidays shall be drawn up by the Director.

Article 26

A staff member who is recalled for military service shall be placed on leave with full remuneration, for a period equal to the length of time worked by him, up to a maximum of three months. At the end of this period he shall, for the remainder of his service in the armed forces and up to a maximum of half the length of time worked by him, receive compensation equal to one third of his basic salary. At the end of this further period he shall be placed on unpaid leave.

However, the payments provided for in the first subparagraph shall be reduced by the amount of service pay received by the staff member concerned during the relevant period.

.../...

CHAPTER V

Remuneration and expenses

Article 27

A staff member shall be entitled to the remuneration carried by his category.

Staff members who have two years' service may, by decision of the Director, receive an increase of up to 6% of their initial salaries during the period covered by the Convention.

The Committee may decide, on the recommendation of the Governing Board, to adjust the remuneration laid down in Article 3 in order to take account of trends in the cost of living and in purchasing power.

Article 28

A staff member shall be entitled to reimbursement of expenses incurred by him on taking up appointment or leaving the service.

A member of staff shall also be entitled to reimbursement of expenses incurred by him in the course of, or in connection with, the performance of his duties.

The conditions governing reimbursement shall be determined by the Director, who will bring them to the notice of the Governing Board.

Article 29

If a staff member dies during his term of employment, the Centre shall pay to the persons who were his direct dependents an overall sum equivalent to three months' full remuneration at the rate at which the staff member was being paid at the time of his death.

In the event of the death of a staff member, the spouse and dependent children shall be entitled to the payment or reimbursement of their travel expenses and the cost of transport of their own and the deceased's personal effects and baggage.

In the event of the death of a staff member, or of his spouse or of one of his dependent children, the Centre shall bear the costs involved in transporting the body to the staff member's place of origin.

Without prejudice to any other Article, the Centre shall also bear the cost of return travel for a member of the family of the deceased to accompany the body to the deceased's country of origin.

CHAPTER VI

Recovery of overpayments

Article 30

Any sum overpaid shall be recovered. The Director shall lay down the arrangements of such recovery.

CHAPTER VII
Termination of employment

Article 31

1. Apart from cessation on death or dismissal at the end of the probationary period, employment shall cease:
 - (a) on the date stated in the instrument of appointment;
 - (b) at the end of the period of notice specified in the instrument of appointment where the latter contains a clause giving the staff member or the Centre the option to terminate earlier. Such period of notice shall be not more than three months.
 - (c) not later than the date of expiry of the Convention.

2. **If the Director, acting in the name of the Centre, terminates the employment, the staff member shall be entitled to compensation equal to one third of his basic salary for the period between the date when his employment ends and the date when his engagement was due to terminate. Such compensation may not, however, be equal to more than six months' basic salary.**

Article 32

1. Employment may be terminated without notice on disciplinary grounds in serious cases of failure of staff to comply with their obligations, whether intentionally or through negligence on their part. The decision taken in this matter by the Director must set out the grounds on which it is based, after the person concerned has had an opportunity to submit his defence. The Director must inform the Governing Board of this decision.
2. In the case referred to in paragraph 1, the Director may decide to withhold from the person concerned all or part of the compensation provided for in Article 31.

TITLE III

THE DIRECTOR AND DEPUTY DIRECTOR

Article 33

1. The provisions laying down rights and obligations for staff shall apply mutatis mutandis to the Director and Deputy Director.
2. Where, in the context of the conditions of employment laid down in this Decision, it is provided that the Director shall take decisions with respect to the staff and local staff, the Governing Board shall take such decisions with respect to the Director and Deputy Director.

Similarly, where it is provided that the staff and local staff shall give information to the Director, the Director and Deputy Director shall give such information to the Governing Board.

TITLE IV

PROVISIONS CONCERNING TAXATION, SOCIAL SECURITY
AND JURISDICTION

Article 34

As regards social security schemes, the Director, the Deputy Director and the staff of the Centre, and, to the extent necessary, members of their family, shall be subject to the law of the State in whose territory the Centre has its headquarters, unless they opt for application of the law of the State to which they were last subject or that of the State of which they are nationals or of any other scheme defined under the Headquarters Agreement. However, this choice may be exercised only once and must be made within six months of the date of appointment; it shall take effect on the date on which duties are taken up.

Article 35

1. The Director, the Deputy Director and the staff of the Centre shall be liable to a tax for the benefit of the Centre on salaries, wages and emoluments paid by the Centre.

The conditions and the procedure for applying this tax are laid down in the Annex. The Committee shall be empowered to amend that Annex if necessary.

2. Tax shall be collected by the Centre by means of deduction at source. The proceeds of the tax shall be entered as revenue in the budget of the Centre.
3. The persons referred to in paragraph 1 shall be exempt from national taxes on salaries, wages and emoluments paid by the Centre.

Article 36

1. In the event of a dispute between the Director or Deputy Director, on the one hand, and the Centre on the other hand, the dispute shall be brought to the attention of the Committee by the Centre with a view to the Committee's seeking a solution. The Committee may appoint a mediator.

If the dispute is between one or more staff members and the Centre, the dispute shall be brought to the attention of the Governing Board which may also appoint a mediator.

2. If the Committee or the Governing Board or, as the case may be, the mediator, is unable to reach a solution acceptable to the parties to the dispute within two months of its notification or, as the case may be, the appointment of the mediator, either party may initiate arbitration proceedings. To this end one party shall inform the other of the nomination of an arbitrator. The other party shall then be required to nominate a second arbitrator within one month. The two arbitrators shall choose a third arbitrator.

3. The decisions taken by the arbitration body shall be binding on the parties and, to the extent necessary, shall be rendered enforceable for the relevant authorities of the Member States of the Community or of the ACP States and for the institutions and bodies set up under the Convention.

4. The disputes referred to in paragraph 1 may not be subject to any other method of settlement.

TITLE V

LOCAL STAFF

Article 37

With the exception of Articles 3, 17, 20 to 24, 27 and 31, Title II shall apply mutatis mutandis to local staff.

Article 38

The conditions of employment of local staff and in particular:

- (a) the manner of their engagement and termination of their contract;
- (b) their leave, and
- (c) their grading and remuneration

shall be determined by the Director in accordance with current rules and practices in the place where they are to perform their duties.

Article 39

The Centre shall cover the employer's share of the social security contributions required under current regulations in the place where the local staff are to perform their duties.

TITLE VI

FINAL PROVISIONS

Article 40

Any member of the staff or the local staff may submit to the Director a request that he take a decision relating to him. The Director shall notify the person concerned of his decision, giving the grounds therefor, within one month of the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it.

Article 41

The ACP States, the Member States and the Community shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

Article 42

The Decision shall enter into force on the same day as the Convention.

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
'Εγινε στις Βρυξέλλες, στις
Done at Brussels,
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Fatto a Bruxelles, addì
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Por el Consejo de Ministros ACP-CEE
For AVS-EEF Ministerrådets vegne
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Για το Συμβούλιο των Υπουργών ΑΚΕ-ΕΟΚ
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Pelo Comité dos Embaixadores ACP-CEE

El Presidente
Formand
Der Präsident
Ο Πρόεδρος
The President
Le président
Il Presidente
De Voorzitter
O Presidente

M.H.J.CH. RUTTEN

ANNEX

Conditions and procedure for applying the tax
for the benefit of the Centre for
the Development of Industry

1. The Director, the Deputy Director and the staff of the Centre, excluding local staff, shall be liable to the tax for the benefit of the Centre referred to in Article 35 of the Decision.

The tax shall be payable each month on salaries, wages and emoluments of any kind paid by the Centre to each person liable.

However, monies and allowances, whether lump sums or not, which represent compensation for expenses incurred in the performance of official duties, shall be excluded from the basic taxable amount.

2. Family allowances and social benefits shall be deducted from the basic taxable amount.
3. An abatement of 10% for occupational and personal expenses shall be made from the amount obtained by applying paragraphs 1 and 2.

An additional abatement equivalent to twice the amount of the allowance for a dependent child paid to the person liable shall be made for each child or person dependent on the person liable.

Sums paid by persons liable on account of the social legislation to which they are subject shall be deducted from the basic taxable amount.

4. The tax shall be calculated on the taxable amount obtained by applying paragraph 3, disregarding any amount not exceeding 803 Bfrs and by applying the rate of:

8	%	to amounts between	803	and	14,178	Bfrs
10	%	to amounts between	14,179	and	19,526	Bfrs
12.50%		to amounts between	19,529	and	22,380	Bfrs
15	%	to amounts between	22,381	and	25,413	Bfrs
17.50%		to amounts between	25,414	and	28,265	Bfrs
20	%	to amounts between	28,266	and	31,030	Bfrs
22.50%		to amounts between	31,031	and	33,883	Bfrs
25	%	to amounts between	33,884	and	36,648	Bfrs
27.50%		to amounts between	36,649	and	39,500	Bfrs
30	%	to amounts between	39,501	and	42,265	Bfrs
32.50%		to amounts between	42,266	and	45,118	Bfrs
35	%	to amounts between	45,119	and	47,883	Bfrs
40	%	to amounts between	47,884	and	50,735	Bfrs
45	%	to amounts over	50,735			Bfrs.

A weighting of 2.695288 shall be applied to the above amounts.

The amount of tax shall be rounded down to the lower unit.

5. By way of derogation from paragraphs 3 and 4, sums paid as compensation for overtime shall be taxed at the rate which, in the month preceding that of payment, was applied to the highest portion of the taxable amount of the employee's remuneration.

(ANNEX)

Payments made on account of termination of service shall be taxed, after applying the abatements laid down in the first two subparagraphs of paragraph 3, at a rate equal to two-thirds of the ratio existing, at the time of the last salary payment, between

- the amount of tax payable and
- the basic taxable amount as defined in paragraphs 1, 2 and 3.

6. When the taxable payment covers a period of less than one month, the rate of the tax shall be that which is applicable to the corresponding monthly payment.

When the taxable payment covers a period of more than one month, the tax shall be calculated as if this payment had been spread evenly over the months to which it relates.

Corrective payments not related to the month during which they are paid shall be subject to the tax to which they would have been subject had they been made at the proper time.

7. The Committee shall adopt any necessary provisions concerning the application of the arrangements laid down in this Annex.

The Director of the Centre shall ensure that these arrangements are applied.

Where necessary he shall refer by analogy to the relevant arrangements applicable to officials of the European Communities and in particular to Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities ⁽¹⁾, as last amended by Regulation (Euratom/ECSC/EEC) ⁽²⁾.

⁽¹⁾ OJ No L 56, 4.3. 1968, p. 3

⁽²⁾ OJ No

Statement entered in the minutes

of the ACP-EEC Committee of Ambassadors
concerning Decision No 4/86
of the ACP-EEC Council of Ministers

1. The provisions taken for implementation of the conditions of employment of the staff in the area of staff management as well as tax and other allowances, in force under the second Convention, will continue to be applied under the third Convention.
2. The scale of remunerations set out in Article 3 of the Decision is that in force on 31 December 1984.

DECISION No 1/87/CIC
of the ACP-EEC Committee on Industrial Co-operation
of **30. III. 1987**

on the adjustment of the remuneration and
the tax brackets laid down
respectively in Article 3
of Decision No 4/86 of the ACP-EEC Council of Ministers
laying down the conditions of employment of the staff
of the Centre for the Development of Industry
and in the Annex thereto.

THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the Third ACP-EEC Convention, signed at
Lomé on 8 December 1984, and in particular Article 73(6)
thereof,

Having regard to Decision No 4/86 of the ACP-EEC Council of
Ministers of 24 March 1986 laying down the conditions of
employment of the staff of the Centre for the Development of
Industry, hereinafter called "the Centre", and in particular
Article 3 thereof and the Annex thereto,

Whereas, under the third subparagraph of Article 27 of Decision No 4/86, the Committee may decide, on the recommendation of the Centre's Governing Board, to adjust the remuneration laid down in Article 3 of the said Decision to take account of trends in the cost of living and in purchasing power;

Whereas the Centre's Governing Board has proposed adjustments to take account of trends in the cost of living in Brussels during the period 1 January to 30 June 1985 and the period 1 July to 31 December 1985;

Whereas account should also be taken of trends in purchasing power during these periods;

Whereas the figures drawn up by the Statistical Office of the European Communities, on the basis of which the adjustments applicable to the remuneration of officials of the Communities are calculated, result in an adjustment to the remuneration of the staff of the Centre as laid down in Article 3 of Decision No 4/86 and to the tax brackets as laid down in the Annex thereto of 2,56% with effect from the end of the first reference period and of 4,88% with effect from the end of the second reference period,

HAS DECIDED AS FOLLOWS:

Article 1

With effect from 1 July 1985, the remuneration laid down in Article 3 of Decision No 4/86 and the tax brackets laid down in the Annex thereto shall be increased by 2,56%.

Article 2

With effect from 1 January 1986, the remuneration laid down in Article 3 of Decision No 4/86 and the tax brackets laid down in the Annex thereto shall be increased by 4,88%.

Article 3

This Decision shall enter into force on the day of its adoption.

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Έγινε στις Βουξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Gedaan te Brussel,
Feito em Bruxelas, em

30. III. 1987

For el Comité de cooperación industrial
For Udvalget for industrielt Samarbejde
Im Namen des Ausschusses für industrielle Zusammenarbeit
Για την Επιτροπή Βιομηχανικής Συνεργασίας
For the Committee on Industrial co-operation
Par le Comité de coopération industrielle
Per il Comitato per la cooperazione industriale
Voor het Comité voor industriële samenwerking
Pelo Comité de Cooperação Industrial

El Presidente
Formand
Der Präsident
Ο Πρόεδρος
The President
Le Président
Il Presidente
De Voorzitter
O Presidente

D. LALOUX

DECISION No 2/87/CIC
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION

of

30. III. 1987

on the appointment of the
auditors for the
Centre for the Development of Industry

THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the third ACP-EEC Convention, signed at Lomé on 8 December 1984, and in particular Article 73(5) thereof,

Having regard to Decision no 2/86 of the ACP-EEC Council of Ministers of 24 March 1986 laying down the statutes and rules of operation of the Centre for the Development of Industry, hereinafter referred to as the "Centre", and in particular Article 7 thereof,

Having regard to Decision no 3/86 of the ACP-EEC Council of Ministers of 24 March 1986 adopting the Financial Regulation of the Centre, and in particular Article 21 thereof,

Whereas it is the responsibility of the Committee on Industrial Co-operation to appoint, on the basis of parity, two auditors to discharge jointly their duties as defined in the second, third and fourth subparagraphs of Article 21 of Decision No 3/86;

Whereas the Community, on the one hand, and the ACP States, on the other, have each announced the name of the person they propose for the discharge of the duties of auditor, and whereas each party has agreed to the proposal of the other,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr José HEUSGHEM and Mr Vasdev HASSAMAL are hereby appointed to discharge jointly the duties of auditors of the Centre for the Development of Industry.

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Gedaan te Brussel,
Feito em Bruxelas, em

30. III. 1987

Por el Comité de cooperación industrial
For Udvalget for industrielt Samarbejde
Im Namen des Ausschusses für industrielle Zusammenarbeit
Για την Επιτροπή Βιομηχανικής Συνεργασίας
For the Committee on Industrial co-operation
Par le Comité de coopération industrielle
Per il Comitato per la cooperazione industriale
Voor het Comité voor industriële samenwerking
Pelo Comité de Cooperação Industrial

El Presidente
Formand
Der Präsident
Ο Πρόεδρος
The President
Le Président
Il Presidente
De Vozzitter
O Presidente

D. LALOUX

DECISION No 3/87/CIC
OF THE ACP-EEC COMMITTEE OF INDUSTRIAL CO-OPERATION
of 9 July 1987

giving a discharge to the Director of the Centre
for Industrial Development in respect of the implementation
of the Centre's budget
for the financial year 1985

THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the Second ACP-EEC Convention, signed at Lomé
on 31 October 1979, and in particular Articles 78 and 81 thereof,

Having regard to Decision No 6/81 of the ACP-EEC Council of Ministers
of 10 April 1981 laying down the statutes and rules of operation of
the Centre for Industrial Development, hereafter referred to as
"Centre", as amended by Decision No 5/84,

Having regard to Decision No 3/81/CIC of the Committee on Industrial
Co-operation of 2 September 1981 adopting the Financial Regulation of
the Centre,

Having regard to Decision No 2/85 of the ACP-EEC Council of
Ministers of 22 February 1985 on the transitional measures valid as
from 1 March 1985 and in particular Article 5 thereof,

Having regard to the Centre's balance sheet for the financial year 1985 drawn up on 31 December 1985,

Having regard to the Auditor's Report on the accounts for the financial year 1985,

Having noted the replies given by the Director of the Centre to the comments made by the Auditors,

Whereas it is for the Committee to give a discharge to the Director of the Centre in respect of the implementation of the Centre's budget;

Whereas revenue for the financial year 1985 consisted principally of a contribution from the European Development Fund amounting to 6 468 692 ECU;

Whereas the Director's overall implementation of the Centre's budget during the financial year 1985 was such that he should be given a discharge in respect of the implementation of this budget.

HAS DECIDED AS FOLLOWS:

Article 1

The Committee hereby adopts the balance sheet of the Centre as at 31 December 1985, showing the amount of 24 089 690 ECU for both revenue and expenditure.

Article 2

The Committee hereby gives a discharge to the Director of the Centre in respect of the implementation of the Centre's budget for the financial year 1985.

Hecho en Bruselas, el
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Gedaan te Brussel,
Feito em Bruxelas, em

19. VII. 1987

Por el Comité de cooperación industrial
For Udvalget for industrielt Samarbejde
Im Namen des Ausschusses für industrielle Zusammenarbeit
Για την Επιτροπή Βιομηχανικής Συνεργασίας
For the Committee on Industrial co-operation
Par le Comité de coopération industrielle
Per il Comitato per la cooperazione industriale
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Pelo Comité de Cooperação Industrial

El Presidente
Formand
Der Präsident
Ο Πρόεδρος
The President
Le Président
Il Presidente
De Voorzitter
O Presidente

(s.) F.J. LEEFLANG
Vice-Président

DECISION No 4/87
OF THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION
of 22 July 1987

on the appointment of the members
of the Governing Board of the
Centre for the Development of Industry

THE ACP-EEC COMMITTEE ON INDUSTRIAL CO-OPERATION,

Having regard to the Third ACP-EEC Convention, signed at
Lomé on 8 December 1984, and in particular Article 73
thereof,

Having regard to Decision No 2/86 of the ACP-EEC Council of
Ministers of 24 March 1986 laying down the statutes and rules
of operation of the Centre for the Development of Industry,
and in particular Article 6 thereof,

Whereas Article 73(2) of the Convention provides for a Joint
Governing Board to advise and back up the Director of the
Centre, to take decisions concerning the approval of budgets
and annual accounts, the establishment of programmes of
activities, the approval of the annual report and the
establishment of the Centre's organizational structures,
staffing policy and establishment plan;

Whereas Article 73(3) of the Convention provides that the Governing Board shall be composed of persons with substantial experience in the private or public industrial and banking sectors or in industrial development planning and promotion, chosen on a personal basis on the grounds of their qualifications from among nationals of the States party to the Convention;

Whereas Article 6 of Decision No 2/86 mentioned above provides that the Governing Board shall be composed, on a basis of parity, of twenty four members and that these members shall be appointed for the duration of the Convention;

Whereas it is for the Committee, in accordance with the procedures laid down by it, to appoint members of the Governing Board;

Whereas the nominations submitted both by the Community and the ACP States reconcile the principle of representativeness - as defined in the Convention - of economic sectors with the need for the Governing Board to work efficiently;

HAS DECIDED AS FOLLOWS:

Sole article

The following are hereby appointed members of the Governing Board of the Centre for the Development of Industry of the Third ACP-EEC Convention:

1) nominated by the Community:

Mr CENDAN BLANCO Antonio	(Spain)
COIMBRA Antonio	(Portugal)
DE JONGE Willhelm A.	(Netherlands)
DELEFORTRIE Michel	(Belgium)
Mrs FLENGA Marina	(Greece)
Mr JENSEN Joern B.	(Denmark)
Mc GARVEY Alan	(United Kingdom)
PEDINI Mario	(Italy)
ROBERT André	(Luxembourg)
SALMON Yves	(France)
SHEEHY Morgan	(Ireland)
SIEBEL Ulf R.	(Germany)

2) nominated by the ACP States:

Mrs. ABRANTES Maria Luisa	(Angola)
Mr ALI NADEEM Mahmout	(Sudan)
DUNCAN Clement D.M.	(Guyana)
KANAWI Wep	(Papua New Guinea):
MAKOTA Edgard M.	(Tanzania)
MONGO SO'O Zechée	(Cameroon)
MOTHIBATSELA Lekoma	(Botswana)
MUNGRA Subhas	(Suriname)
MUSIGAZI Grätien	(Rwanda)
Mrs NEYRAM Ketevi	(Togo)
QWUSU Theresa	(Ghana)
Mr RANIGA Chandu	(Fiji)

Hecho en Bruselas, el
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Geschehen zu Brüssel am
Έγινε στις Βουξέλλας, στις
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Fait à Bruxelles, le
Fatto a Bruxelles, addì
Gedaan te Brussel,
Feito em Bruxelas, em

22.VII.1987

Por el Comité de cooperación industrial
For Udvalget for industrielt Samarbejde
im Namen des Ausschusses für industrielle Zusammenarbeit
Για την Επιτροπή Βιομηχανικής Συνεργασίας
For the Committee on Industrial co-operation
Par le Comité de coopération industrielle
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Voor het Comité voor industriële samenwerking
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O Presidente

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