

ASSOCIATION

between

THE EUROPEAN ECONOMIC COMMUNITY

and the

AFRICAN AND MALAGASY STATES ASSOCIATED

WITH THAT COMMUNITY

COMPILATION OF TEXTS

1 June 1964 - 1 June 1965

The ASSOCIATION COUNCIL

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DECISION No. 1/64
OF THE ASSOCIATION COUNCIL RELATING TO
THE INFORMATION AND CONSULTATION PROCEDURE
PROVIDED FOR IN ARTICLE 12 OF THE
E.E.C. - A.A.M.S. CONVENTION OF ASSOCIATION

THE ASSOCIATION COUNCIL

HAVING REGARD to the Convention of Association and in particular to Article 12 thereof,

CONSIDERING that it is necessary to lay down, on the basis of Article 12 (3) of the Convention, the details of the information and consultation procedure in respect of commercial policy measures taken by the Contracting Parties,

CONSIDERING that it is necessary, in particular, to stipulate the measures which will carry an obligation to provide information and also the time at which such information must be given and the procedure by which it is to be given,

CONSIDERING that consultations must take place within strict time limits and in accordance with a clearly defined procedure in order both to ensure the efficacy of the consultations and to safeguard the interests of the interested Party,

HAS DECIDED:

TITLE I

INFORMATION PROCEDURE

Article 1

The Community shall inform the Association Council of any commercial policy measure which it or a Member State envisages taking and which is capable of affecting the interests of one or more Associated States.

Each Associated State shall inform the Association Council of any commercial policy measure which it envisages taking and which is capable of affecting the interests of the Community or of one or more Member States.

Article 2

Such information shall relate principally to the following measures:

- the suspension, alteration or abolition of customs duties vis-à-vis third countries;
- the granting of tariff quotas at reduced or zero duties, other than the quotas referred to in Article 2 (3) of the Convention of Association;

- the introduction, reduction or abolition of quantitative restrictions vis-à-vis third countries, without prejudice to the obligations incumbent upon certain Contracting Parties by reason of their membership of G.A.T.T.

Article 3

Information must be given before a decision is taken. It may nevertheless be given after the event in the following cases:

- a) introduction of quantitative restrictions vis-à-vis third countries;
- b) measures taken pursuant to the obligations incumbent upon certain Contracting Parties by reason of their membership of G.A.T.T.;
- c) measures which, because of their urgency, do not lend themselves to the giving of prior information.

Article 4

Information shall be communicated to the President of the Association Council. The Secretariat shall immediately bring it to the knowledge of all the Contracting Parties.

TITLE II

CONSULTATION PROCEDURE

Article 5

At the request of the Community or of an Associated State, consultations shall take place within the Association Council on any measures envisaged or adopted by a Contracting Party.

Article 6

The request for consultation, accompanied by supporting evidence, shall reach the President of the Association Council:

- a) in respect of measures concerning which prior information has been given, not later than four weeks after the notification given to the Contracting Parties through the Council Secretariat. If no request for consultations has reached the President of the Council within this time-limit, the interested Party may take the measure envisaged. If consultations are requested, they shall take place not later than three weeks after the introduction of the request;
- b) in respect of measures concerning which information has been given after the event, not later than three weeks after the notification given to the Contracting Parties through the Council Secretariat.

Article 7

The Community may address to the Association Council a request for information and, where appropriate, a request for consultations on any measure, envisaged or taken by one or more Associated States, which has not yet been the subject of a communication and of which it is aware.

Each Associated State may address to the Association Council a request for information and, where appropriate, a request for consultations on any measure envisaged or taken by the Community or a Member State, which has not yet been the subject of a communication and of which it is aware.

Article 8

The Contracting Party whose commercial policy measure, either envisaged or adopted, has given rise to consultations, shall inform the Association Council of the action which it has taken as a result of the consultations.

TITLE III

GENERAL PROVISIONS

Article 9

The Associated States, the Member States and the Community shall be required, each to the extent to which they are concerned, to take the necessary steps to implement this Decision.

This Decision shall enter into force on 8 July 1964.

Done at Brussels, 8 July 1964
The President of the Association Council

K. SCHMUECKER

DECISION No. 2/64
OF THE ASSOCIATION COUNCIL
DELEGATING POWERS TO THE
ASSOCIATION COMMITTEE

THE ASSOCIATION COUNCIL,

HAVING REGARD to the Convention of Association and in particular Article 47 (2) thereof,

CONSIDERING that the Convention of Association only provides for one ordinary meeting of the Association Council each year,

CONSIDERING that the implementation of the Convention raises many problems which require to be solved in the interval between two ordinary meetings,

CONSIDERING that, although the Convention provides for the possibility of special meetings of the Association Council, it is necessary, pursuant to Article 47 (2) and for the sake of simplicity and speed, that the Council delegate the exercise of certain of its powers to the Committee,

HAS DECIDED:

Article 1

Without prejudice to other delegations of powers granted in particular cases, the Council hereby delegates to the Association Committee the exercise of the powers referred to in Articles 2, 3, 4, 5, 6, 11 (2), 13, 51 (5), 52 and 58 of the Convention, as also in Protocol No. 1, Protocol No. 2 (Articles 1 and 5) and Protocol No. 4 and in the Association Council's Decision No. 1/64 relating to the information and consultation procedure provided for in Article 12 of the Convention.

The provisions of the Convention and in particular Article 40 (2) and (3) and Article 43 (1) thereof, as also those of Articles 10 to 13 of the Rules of Procedure of the Association Council, shall apply to the acts adopted by the Association Committee on the basis of the present Article.

Article 2

The Associated States, the Member States and the Community shall be required, each to the extent to which they are concerned, to take the necessary steps to implement this Decision.

This Decision shall enter into force on 8 July 1964.

Done at Brussels, 8 July 1964
The President of the Association Council

K. SCHLUECKER

DECISION No. 3/64
OF THE ASSOCIATION COUNCIL
ADOPTING THE STATUTE
OF THE COURT OF ARBITRATION OF THE ASSOCIATION

THE ASSOCIATION COMMITTEE,

HAVING REGARD to the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, signed at Yaoundé on 20 July 1963 and, in particular, Articles 39 and 51 thereof, concerning the establishment and the organization of a Court of Arbitration of the Association,

HAVING REGARD to Decision No. 2/64 of the Association Council dated 8 July 1964, delegating powers to the Association Committee, in particular as regards the power to adopt the Statute of the Court of Arbitration of the Association,

HAVING REGARD to the proposal drawn up by the Court of Arbitration,

HAS ADOPTED THE PRESENT STATUTE

Article 1

The Court established by Article 39 of the Convention shall be constituted and shall perform its duties in accordance with the provisions of the Convention and of the present Statute.

Chapter 1

MEMBERS OF THE COURT

Article 2

Judges and alternate Judges shall be appointed for the duration of the Convention. In the event of the death or resignation of a Judge or an alternate Judge, the President of the Court shall notify the Association Council, which shall immediately appoint a new Judge or alternate Judge on nomination by the Council of the European Economic Community or by the Associated State, as the case may be.

Judges and alternate Judges who have resigned shall remain in office until their successor has been appointed.

Article 3

Members or alternate members of the Court shall take a public oath to discharge their duties conscientiously and with complete impartiality and to preserve the secrecy of the deliberations. This oath shall be taken, in the form prescribed by the national legislation of each member or alternate member, during the first public sitting following their appointment.

Article 4

The President of the Court shall be appointed for the duration of the Convention. In the event of the President's demise or resignation, the Court shall inform the Association Council, which shall immediately appoint a new President.

If the President resigns, he shall remain in office until his successor has been appointed.

Article 5

If, for some special reason, one of the members of the Court considers that he should not take part in the judgment of a particular case, he shall so inform the Court, which shall decide in the matter.

If the President considers that one of the Judges of the Court should not, for some special reason, take part in the judgment of a particular case, he shall lay the matter before the Court, which shall decide thereon.

Article 6

In the event of a Judge being unable to attend, his alternate shall replace him temporarily under the conditions laid down in Article 12 (3); should this alternate likewise be unable to attend, the alternate of the other Judge appointed on the same list of nominees shall replace him under the same conditions.

Article 7

In the event of the President being unable to attend, for any reason other than his demise, the Association Council may assign a person to replace him provisionally in respect of all or part of his functions.

Article 8

In the interest of the Court's performance of its duties, the members of the Court shall enjoy the privileges, immunities and facilities normally accorded to the members of international law courts and international arbitral tribunals.

In this connection, they shall enjoy legal immunity in respect of acts performed by them in their official capacity. They shall retain this immunity after the expiry of their term of office.

With the exception of the immunity protecting the acts referred to in the preceding paragraph, the Court may suspend the immunities provided for in this Article.

Article 9

In respect of its communications and the transmission of all its documents the Court shall enjoy, within the territory of each Member State, the treatment granted by this State to diplomatic missions.

Chapter II

ORGANISATION AND SERVICES OF THE COURT

Article 10

The Court shall sit where the Court of Justice of the European Communities sits.

Article 11

The operation of the services of the Court and in particular of its Registry shall be ensured by the services of the Court of Justice of the European Communities.

Chapter III

THE OPERATION OF THE COURT

Article 12

The Court shall convene in sessions whenever the need arises, at the notice of its President.

In order to be valid, the Court's sessions and deliberations shall be attended by the President and by four Judges.

An alternate Judge who is called upon to sit on the Court in a dispute shall continue to do so until the dispute is solved.

Article 13

Parties to a dispute shall be represented by one or more agents appointed to this effect. The agent may be assisted by a legal adviser or a qualified legal representative who is admitted to the Bar in a Member State or an Associated State, or by a University teacher being a national of a Member State or Associated State whose domestic law gives him the right of audience.

Article 14

Agents, legal advisers and qualified legal representatives who appear before the Court shall enjoy the usual privileges and immunities throughout the duration of their functions, including time spent in travelling for the performance thereof.

In this connection, they shall in particular enjoy legal immunity in respect of statements or writings relating to the proceedings.

The Court may suspend the privileges and immunities provided for in the first paragraph above, provided the suspension will not be contrary to the interests of the proceedings.

Article 15

Proceedings shall be contradictory; particulars are established by the present Statute and by the rules of procedure of the Court.

Article 16

Proceedings before the Court shall be instituted by a petition to which the defendant shall be allowed to reply within a time-limit set by the President.

The petition shall contain:

- a statement of the subject at dispute;
- a summary of the facts establishing that an amicable settlement from the Association Council has not been obtained and that the parties have not reached an appropriate settlement of the dispute;

- the submissions of the petitioning party;
- a summary statement of the arguments at law.

Article 17

The Registry shall transmit a copy of the petition to the Association Council, which shall notify it to the Member States, to the Community and to the Associated States, who may present to the Court their observations in writing; they may do so up to the closure of the written proceedings provided for by the rules of procedure, without however being considered as becoming parties to the dispute.

Whenever the present Statute provides for the opening of oral proceedings, States which have submitted written observations are entitled to be represented before the Court. The same provision shall apply to the Community.

Article 18

The deliberations of the Court are and shall remain secret.

Article 19

The awards of the Court shall be reasoned and shall mention members who took part in the deliberations and decisions.

They shall be read in open court.

In matters of costs, the Court shall rule ex aequo et bono.

Article 20

Proceedings before the Court, both written and oral, may be in any of the four languages specified by Article 64 of the Convention. The translation of documents and pleadings shall be undertaken, under the responsibility of the Registry, whenever such translation is requested by one of the parties or by a Member State or an Associated State which has availed itself of the provisions of Article 17.

Article 21

The Court may make formal inquiries, or order such inquiries to be made.

Witnesses duly summoned shall comply with the summons and shall report at the sitting.

The Court may report to the domestic authorities cases of perjury, default of witnesses or their subornation.

Article 22

The Court may request the parties to submit all documents and to furnish all information which it deems desirable.

The Court may likewise ask the Association Council, the Community, the Member States and the Associated States who are not parties to the dispute, to furnish all information it considers necessary for the settlement of the dispute.

Article 23

Whenever the Court decides, either at the request of one of the parties or on its own authority, to have recourse to special means of inquiry, it shall order the parties or one of the parties to deposit in a special account, advances which it considers necessary for carrying out such inquiries.

When deciding on costs, the Court shall rule on the apportioning of this sum.

Article 24

Recoverable costs are actual expenditures incurred by the parties in order to defend their rights, especially the travel and subsistence allowance and remuneration of an agent or a

lawyer representing or assisting the parties in Court, as well as costs relating to the special means of inquiry within the meaning of Article 23.

Chapter IV

OPERATING EXPENSES OF THE COURT

Article 25

The travel and subsistence allowances of the members of the Court, provided for in Article 3 (2) of Protocol No. 6, shall be met by advances provided by the Court of Justice of the European Communities.

At the end of each year, the President of the Court of Arbitration shall forward to the Association Council a detailed account of the sums paid out for this purpose together with a special report on expenditures incurred and all documentary evidence relating thereto.

This account shall be approved by the Association Council which shall order the repayment thereof within two months of its decision. Such payment shall be met as to one half by the Community, and as to the other half, shall be divided among the Associated States.

The Member States, the Community and the Associated States shall be required, each to the extent to which they are concerned, to take the necessary steps to implement this Decision.

This Decision shall enter into force on 16 November 1964.

Done at Brussels, 13 November 1964
The Chairman of the Association Committee

Djime Momar GUEYE

RECOMMENDATION
of the Association Council
relating to the offences of perjury,
default of witnesses and their subornation

THE ASSOCIATION COUNCIL

HAVING REGARD to the Convention of Association and in particular Article 51 thereof,

HAVING REGARD to Article 21 (3) of the Statute of the Court of Arbitration,

RECOMMENDS that the Member States and the Associated States take all necessary measures with a view to ensuring that the offences referred to in Article 21 (3) of the Statute and reported by the Court, be punished in the same manner as if the same offences had been committed before a domestic court or tribunal in the course of civil proceedings.

Done at Brussels, 13 November 1964
The Chairman of the Association Committee

Djime Momar GUEYE

DECISION No. 4/65
of the Association Council
delegating powers to the
Association Committee for
the adoption of its first
Annual Report

THE ASSOCIATION COUNCIL

HAVING REGARD to the Convention and in particular Article 43,
Article 47 (2) and Article 50 (2) thereof,

CONSIDERING THAT the Association Council must submit an
Annual Report to the Parliamentary Conference of the
Association,

CONSIDERING THAT the first Annual Report must refer to the
period from 1 June 1964 to 31 May 1965,

CONSIDERING THAT the Parliamentary Conference of the
Association must meet in October 1965 and that it is at
this meeting that it will examine the said Report,

CONSIDERING THAT, for the smooth organisation of the work
of the Conference, it is important that the Council's Report
should reach the Conference not later than 30 June 1965,

CONSIDERING THAT under these conditions it is necessary,
pursuant to Article 47 (2) of the Convention, and for the
sake of simplicity and speed, that the Council delegate to
the Association Committee the power to adopt its first
Annual Report,

HAS DECIDED

Article 1

The Association Council hereby delegates to the Association Committee the power to adopt its first Report (1 June 1964 - 31 May 1965) and to transmit the said Report to the Parliamentary Conference of the Association.

Article 2

The Associated States, the Member States and the Community shall be required, each to the extent to which they are concerned, to take the necessary steps to implement this Decision.

This Decision shall enter into force on 7 April 1965.

Done at Brussels, 7 April 1965
The President of the Association Council

Raymond TRIBCOULET

RULES OF PROCEDURE
OF THE ASSOCIATION COUNCIL

Article 1

1. The Association Council shall meet once each year as from the date of the entry into force of the Convention. To this end, it shall be convened by its President on a date to be fixed by the latter after consulting the members of the Council.
2. The Association Council shall meet in special session at the request either of the Associated States, or of the Community, on a date to be fixed by the President after consulting the members of the Council.

Article 2

The Association Council shall meet where the meetings of the Council of the European Economic Community are usually held, or in a city of one of the Associated States whenever this has been decided at the previous meeting.

Article 3

1. The provisional agenda for each meeting shall be drawn up by the President. It shall be communicated to the other members of the Council 21 days before the beginning of the meeting.

The provisional agenda shall consist of those items in respect of which a request for their inclusion has reached the President one month before the beginning of the meeting.

The only items to appear in the provisional agenda shall be those in respect of which the relevant documentation has been transmitted to the Secretariat of the Association Council in time to be forwarded to the members of the Association Council and the Association Committee 21 days before the beginning of the meeting.

2. The agenda shall be adopted by the Association Council at the beginning of each meeting. In urgent cases the Association Council may decide, at the request of the Community or of the Associated States, to include in the agenda items in respect of which the time-limits laid down above have not been observed.

Article 4

1. The members of the Association Council may be accompanied by officials to assist them.
2. The composition of each delegation shall be communicated to the President not less than 24 hours before the beginning of each meeting.
3. If a member of the Association Council is prevented from taking part in a meeting of the Council, he shall inform the President in writing and shall, where appropriate, indicate the person or the delegation authorised to represent him.

Article 5

1. Unless otherwise decided by the Association Council, the meetings of the latter shall not be public. Entry to meetings of the Council shall be subject to the showing of a pass.
2. Without prejudice to other provisions which may apply, the deliberations of the Association Council shall be covered by the duty of professional secrecy unless the Council should decide otherwise.

Article 6

The Association Council may be required to reach a decision on an urgent matter by correspondence, either if agreement on such a procedure is expressed during one of its meetings, or where the agreement of the Community and of the Associated States has been received within the Association Committee.

Article 43 of the Convention shall apply to the deliberations provided for in the preceding paragraph.

Article 7

All communications of the President provided for by the present Rules of Procedure shall be addressed through the Secretariat of the Association Council to the Permanent Representatives of the Member States, to the Representatives of the Associated States accredited to the European Economic Community, to the Executive Secretariat of the Commission and to the Secretariat of the Council of the European Economic Community.

Article 8

Minutes shall be kept of each meeting, including in particular a statement of the decisions taken by the Association Council.

After their approval by the Association Committee, the minutes shall be signed by the President in Office and by the Secretaries of the Association Council and shall be kept in the archives of the Association Council. A copy of the minutes shall be forwarded to the recipients referred to in Article 7.

Article 9

1. Unless otherwise decided, the Association Council shall base its deliberations on documentation prepared in the French, German, Italian and Netherlands languages.

Any member of the Association Council may object to the discussion of a text proposed during a meeting if this text is not made available in the one of the four languages which he specifies.

2. Documents shall be translated into English and proceedings interpreted from and into English if the Associated States concerned have requested this in good time before each meeting.

Article 10

All decisions, resolutions, recommendations and opinions within the meaning of Article 44 of the Convention shall be divided into articles.

The acts referred to in the preceding paragraph shall terminate in the formula "done at . . . , . . .", the date to be inserted being the date on which they are adopted by the Association Council.

Article 11

Decisions within the meaning of Article 44 of the Convention shall be entitled "Decision" followed by a serial number and a description of their subject.

Decisions shall lay down the date on which they enter into force. They shall incorporate the following sentence: "The Associated States, the Member States and the Community shall be required, each to the extent to which they are concerned, to take the necessary steps to implement this Decision."

Article 12

Resolutions, recommendations and opinions within the meaning of Article 44 of the Convention shall be entitled "Resolution", "Recommendation" or "Opinion" followed by a serial number and a description of their subject.

Article 13

Acts adopted by the Association Council shall be signed by the President and shall be kept in the archives of the Association Council.

A copy of each of these acts, signed by the two Secretaries and bearing at its head the phrase "certified copy of the Decision (or of the Resolution, of the Recommendation or of the Opinion) adopted by the Council,", shall be transmitted to the recipients referred to in Article 7.

Article 14

The Office of President of the Association Council shall be exercised in rotation under the following conditions:

- from 1 October to 31 March by a member of the Government of an Associated State;
- from 1 April to 30 September by a member of the Council of the European Economic Community.

Article 15

1. In accordance with the provisions of Articles 45, 46 and 47 of the Convention, the Association Council shall be assisted in the performance of its tasks by the Association Committee, consisting of the Permanent Representatives of the Member States, the Representatives of the Associated States accredited to the European Economic Community and a Representative of the Commission.

The conditions under which this Committee meets shall be laid down in its own Rules of Procedure.

2. The Association Committee shall in particular be responsible for preparing the meetings of the Association Council and for carrying out any mandate which the Council may entrust to it. In order to ensure the continuity of co-operation essential to the satisfactory operation of the Association, it shall formulate any recommendations or opinions which it may consider appropriate.

If necessary, it may set up working parties to carry out preparatory work and to make such studies as it may define.

3. The provisions of the Convention and in particular of Article 40 (2), (3) and Article 43 (1) thereof, as also those of Articles 10 to 13 of the present Rules of Procedure, shall apply to acts adopted by the Association Committee pursuant to the preceding paragraph.

Article 16

1. Where the Association Council is required to appear before the Parliamentary Conference of the Association it shall delegate its President and, where appropriate, any other of its members. Should the President be unable to attend he shall designate the member who is to take his place.
2. The Council may also put its views before the Conference in writing.

Article 17

The Secretariat of the Council and of the Committee shall be run jointly by two Secretaries.

These two Secretaries shall be nominated, after joint consultation, one by the Associated States and the other by the Community.

The Secretaries shall perform their duties in complete independence, with a view solely to the interests of the Association, and shall neither seek nor take instructions from any Government, organisation or authority other than the President of the Association Council and the Chairman of the Association Committee.

Article 18

Correspondence intended for the Association Council shall be addressed to the President of the Association Council at the address of the Secretariat of the Association Council.

RULES OF PROCEDURE
OF THE ASSOCIATION COMMITTEE

Article 1

The Association Committee shall meet on any date fixed by joint agreement between the Community and the Associated States.

In urgent cases, the Committee may meet on another date at the request either of the Community or of the Associated States. The Chairman shall fix the new date after consulting the other members of the Committee.

Article 2

Unless otherwise decided, the Association Committee shall meet where the meetings of the Council of the European Economic Community are usually held.

Article 3

1. The provisional agenda for each meeting shall be drawn up by the Chairman. It shall be communicated to the other members of the Committee not less than eight days before the beginning of the meeting.


The provisional agenda shall consist of those items in respect of which a request for their inclusion has reached the Chairman ten days before the meeting.

The only items to appear in the provisional agenda shall be those in respect of which the relevant documentation has been transmitted to the Secretariat of the Association Council in time to be forwarded to the members of the Association Committee eight days before the date of the meeting.

2. The agenda shall be adopted by the Association Committee at the beginning of each meeting. In urgent cases the Association Committee may decide, at the request of the Community or of the Associated States, to include in the agenda items in respect of which the time-limits laid down above have not been observed.
3. Where this Committee meets under the conditions laid down in Article 1 (2), the periods specified above in paragraph 1 may be shortened.

Article 4

The members of the Association Committee may be accompanied by officials to assist them. They may arrange to be represented by such persons as they designate.



Article 5

1. Unless otherwise decided, the meetings of the Association Committee shall not be public. Entry to the meetings shall be subject to the showing of a pass.
2. Without prejudice to other provisions which may apply, the deliberations of the Association Committee shall be covered by the duty of professional secrecy unless the Committee should decide otherwise.

Article 6

All communications of the Chairman provided for by the present Rules of Procedure shall be addressed through the Secretariat of the Association Council to the Permanent Representatives of the Member States, to the Representatives of the Associated States accredited to the European Economic Community, to the Executive Secretariat of the Commission and to the Secretariat of the Council of the European Economic Community.

Article 7

Minutes shall be kept of each meeting, including in particular a statement of the decisions taken by the Association Committee.

After their approval by the Committee, the minutes shall be signed by the chairman of the Committee and by the Secretaries of the Association Council and shall be kept in the archives of the Association Council. A copy of the minutes shall be forwarded to the recipients referred to in Article 6 above.

Article 8

The conditions under which the Association Committee shall adopt acts pursuant to Article 47 of the Convention, and the form of such acts, are determined by Article 15 (3) of the Rules of Procedure of the Association Council.

Article 9

The Office of Chairman of the Association Committee shall be exercised by the Representative of the State which provides the President of the Association Council.

Article 10

Correspondence intended for the Association Committee shall be addressed to the Chairman of the Association Committee at the address of the Secretariat of the Association Council.

Article 11

1. Unless otherwise decided, the Association Committee shall base its deliberations on documentation prepared in the French, German, Italian and Netherlands languages.

Any member of the Association Committee may object to the discussion of a text proposed during a meeting if this text is not made available in the one of the four languages which he specifies.

2. Documents shall be translated into English and proceedings interpreted from and into English if the Associated States concerned have requested this in good time before each meeting.