

COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL
AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES, MEETING WITHIN THE COUNCIL

concerning the opening of negotiations with the
African, Caribbean and Pacific countries on the amendment
of the fourth ACP-EEC Convention, signed in Lomé
on 15 December 1989, to take account of the accession of
the Kingdom of Norway, the Republic of Austria,
the Republic of Finland and the Kingdom of Sweden
to the European Union

1. Articles 59, 76, 102 and 128 of the Act of Accession stipulate that from 1 January 1995 the four new Member States shall implement the provisions of the agreements referred to in Articles 60, 77, 103 and 129. They also lay down that any changes shall be subject to protocols concluded with the contracting countries and annexed to the said agreements.
2. Articles 60, 77, 103 and 129 of the Act of Accession include the fourth ACP-EEC Convention, signed on 15 December 1989, among the agreements to which Articles 59, 76, 102 and 128 apply.
3. With the exception of Austrian customs duties and licensing arrangements for a number of spirituous beverages (Article 72), there are no provisions in the Act of Accession which, under Article 171 of the fourth ACP-EEC Convention, require transitional measures to enable the new Member States to apply the fourth Lomé Convention.
4. However, Article 358 of the fourth Convention does make implementation by ACP countries and the new Member States subject to the entry into force of the protocol of accession to the Convention.
5. It is therefore necessary that the fourth ACP-EEC Convention, signed in Lomé on 15 December 1989 by the Community and its Member States of the one part and the African, Caribbean and Pacific (ACP) States of the other part, be amended to take account of the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union and to this end that negotiations begin with the ACP States on the conclusion of a protocol of accession to the Convention, in accordance with Article 358 thereof. Consequently, the Commission requests authorization to begin negotiations with the African, Caribbean and Pacific (ACP) States on the conclusion of a protocol amending the said ACP-EEC Convention, to take account of the accession of the above countries.

The Commission will conduct such negotiations in accordance with the directives set out in the Annex, in consultation with the Member State representatives. During the interim period, the representatives of Norway, Austria, Finland and Sweden will participate in the negotiations as observers alongside the representatives of the current Member States.

6. In accordance with paragraph 1 of the rules of procedure concerning the information and consultation procedure for the adoption of certain decisions and other measures which must be adopted during the period prior to accession, the Commission has consulted the representatives of the applicant States in order to obtain the necessary information to assess the effects of this proposal.
7. The Council is therefore asked to adopt these proposals promptly so that negotiations with the ACP States can be completed by the end of the year.

ANNEX

TRANSITIONAL MEASURES AND TECHNICAL ADJUSTMENTS

DIRECTIVES APPLICABLE TO THE AFRICAN, CARIBBEAN AND PACIFIC COUNTRIES (HEREINAFTER REFERRED TO AS THE ACP STATES)

1. All the provisions of the fourth ACP-EEC Convention, signed in Lomé on 15 December 1989, including the annexes and protocols thereto, shall be applicable from the time of accession to relations between Norway, Austria, Finland and Sweden of the one part and the ACP States of the other part.

The transitional measures and technical adjustments set out below shall be the subject of a protocol with the ACP States, attached to the Lomé Convention.

From the time of accession, the ACP States shall be asked to apply all the provisions laid down in the Lomé Convention to Norway, Austria, Finland and Sweden without transitional measures.

In accordance with Article 171 of the fourth ACP-EEC Convention, Norway, Austria, Finland and Sweden shall not, as a result of the transitional measures and technical adjustments applicable to the ACP States, grant these countries more favourable treatment than that accorded the Community as it is currently constituted.

Norway, Austria, Finland and Sweden shall not, as a result of the transitional measures applicable to ACP States, grant these countries less favourable treatment than that accorded other non-preferential countries outside the Community.

2. Until 1 January 1996, Austria may, in respect of ACP States, maintain the customs duties and licensing arrangements in force at the time of its accession for spirituous beverages and undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol. listed under HS code 2208. Any licensing arrangements of this type shall be enforced without discrimination.
3. The following shall be added to the third sub-paragraph of Article 13(3) of Protocol I of the Lomé Convention:

Annettu jälkikäteen/Utfärdat i efterhand
Utstedt i etterhand
Utfärdat i efterhand

The following shall be added to the third paragraph of Article 14 of Protocol I of the Lomé Convention:

Kaksoiskappale/Duplikat
Duplikat
Duplikat

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