

No. 21075

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## MULTILATERAL

**Internal Agreement on the measures and procedures required for implementation of the Second ACP-EEC Convention of Lomé. Concluded at Brussels on 20 November 1979**

*Authentic texts: Danish, German, English, French, Italian and Dutch.*

*Registered by the Secretary-General of the Council of the European Communities, acting on behalf of the Parties, on 1 June 1982.*

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## MULTILATÉRAL

**Accord interne relatif aux mesures à prendre et aux procédures à suivre pour l'application de la Deuxième Convention ACP-CEE de Lomé. Conclu à Bruxelles le 20 novembre 1979**

*Textes authentiques : danois, allemand, anglais, français, italien et néerlandais.*

*Enregistré par le Secrétaire général du Conseil des Communautés européennes, agissant au nom des Parties, le 1<sup>er</sup> juin 1982.*

# INTERNAL AGREEMENT<sup>1</sup> ON THE MEASURES AND PROCEDURES REQUIRED FOR IMPLEMENTATION OF THE SECOND ACP-EEC CONVENTION OF LOMÉ

The representatives of the Governments of the Member States of the European Economic Community, meeting in the Council,

Having regard to the Treaty establishing the European Economic Community<sup>2</sup> (hereinafter called the "Treaty") and the second ACP-EEC Convention of Lomé signed on 31 October 1979<sup>3</sup> (hereinafter called the "Convention"),

Whereas the representatives of the Community will have to adopt common positions in the Council of Ministers provided for by the Convention (hereinafter called the "Council of ACP-EEC Ministers"); whereas, moreover, implementation of the decisions, recommendations and opinions of this Council may require, where appropriate, action by the Community, joint action by the Member States or action by a Member State;

Whereas, therefore, it is necessary for the Member States to specify the conditions for determining, in the fields for which they are competent, the common positions to be adopted by the representatives of the Community within the Council of ACP-EEC Ministers; whereas, in the same fields, it will also be for them to take the measures implementing such decisions, recommendations and opinions of that Council as may require joint action by the Member States or action by a Member State;

Whereas provision should, likewise, be made for the Member States to communicate to one another and to the Commission any treaty, convention, agreement or arrangement and any part of a treaty, convention, agreement or arrangement which concerns matters dealt with in the Convention and which has been, or will be, concluded between one or more Member States and one or more ACP States;

Whereas procedures should also be laid down whereby Member States may settle any disputes which may arise between them with regard to the Convention;

After consulting the Commission of the European Communities,

Have agreed as follows:

*Article 1.* 1. The common position to be supported by the representatives of the Community in the Council of ACP-EEC Ministers when the latter considers matters for which the Member States are competent shall be adopted by the Council, acting unanimously after consulting the Commission.

2. Where, pursuant to article 169 of the Convention, the Council of ACP-EEC Ministers envisages delegating to the Committee of Ambassadors provided for by the

<sup>1</sup> Came into force on 1 January 1981, i.e., at the same time as the Second Lomé Convention\*, after each member State of the European Economic Community had notified the Secretariat of the Council of the European Communities of the completion of the required constitutional procedures, in accordance with article 7:

State	Date of deposit	State	Date of deposit
Belgium . . . . .	11 December 1980	Ireland . . . . .	3 November 1980
Denmark . . . . .	9 July 1980	Italy . . . . .	5 December 1980
France . . . . .	31 July 1980	Luxembourg . . . . .	9 October 1980
Germany, Federal Republic of . . . . .	30 October 1980	Netherlands . . . . .	25 November 1980
(With declaration of application to Berlin (West).)		United Kingdom of Great Britain and Northern Ireland . . . . .	28 November 1980

\*United Nations, *Treaty Series*, vol. 1277, p. 3.

<sup>2</sup> United Nations, *Treaty Series*, vol. 298, p. 3.

<sup>3</sup> *Ibid.*, vol. 1277, p. 3.

Convention the power to take decisions or put forward recommendations or opinions in the fields for which the Member States are competent, the common position shall be adopted by the Council, acting unanimously after consulting the Commission.

3. Common positions which the representatives of the Community support in the Committee of Ambassadors shall be adopted under the same conditions as those laid down in paragraph 1.

*Article 2.* 1. Decisions and recommendations adopted by the Council of ACP-EEC Ministers in the fields for which the Member States are competent shall be implemented by acts adopted by the latter.

2. Paragraph 1 shall also apply in respect of decisions and recommendations adopted by the Committee of Ambassadors pursuant to article 171 of the Convention.

*Article 3.* Any treaty, convention, agreement or arrangement, or any part of a treaty, convention, agreement or arrangement, of whatever form or nature, which has been, or will be, concluded between one or more Member States and one or more ACP States and which concerns matters dealt with in the Convention, shall be communicated as soon as possible by the Member State or States concerned to the other Member States and to the Commission.

At the request of a Member State or of the Commission, any texts so communicated shall be discussed by the Council.

*Article 4.* If a Member State considers it necessary to invoke article 176 of the Convention on matters for which the Member States are competent, it shall first consult the other Member States.

If the Council of ACP-EEC Ministers has to reach a decision on the action by the Member State referred to in the first paragraph, the position to be taken by the Community shall be that of the Member State concerned, unless the Representatives of the Governments of the Member States, meeting in the Council, decide otherwise.

*Article 5.* Disputes arising between Member States concerning the Convention, the Protocols annexed thereto or the Internal Agreements signed for its implementation shall, at the request of the party making the complaint, be submitted to the Court of Justice of the European Communities under the conditions laid down in the Treaty and in the Protocol on the Statute of the Court of Justice annexed to the Treaty.

*Article 6.* After consulting the Commission, the Representatives of the Governments of the Member States, meeting in the Council, may at any time amend or supplement this Agreement.

*Article 7.* This Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The Government of each Member State shall notify the Secretariat of the Council of the European Communities of the completion of the procedures required for the entry into force of the Agreement.

Provided that the conditions of the first paragraph have been complied with, this Agreement shall enter into force at the same time as the Convention. It shall remain in force for the duration of that Convention.

*Article 8.* This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German and Italian languages, all six texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall transmit a certified copy to each of the Governments of the signatory States.

UDFÆRDIGET i Bruxelles, den tyvende november nitten hundrede og nioghalvfjerds.  
GESCHEHEN zu Brüssel am zwanzigsten November neunzehnhundertneunundsiebzig.  
DONE at Brussels on the twentieth day of November in the year one thousand nine hundred and seventy-nine.

FAIT à Bruxelles, le vingt novembre mil neuf cent soixante-dix-neuf.

FATTO a Bruxelles, addì venti novembre millenovecentosettantanove.

GEDAAN te Brussel, de twintigste november negentienhonderd negenenzeventig.

Pour le Gouvernement du Royaume de Belgique<sup>1</sup> :

Voor de Regering van het Koninkrijk België:

[H. SIMONET]<sup>2</sup>

På Kongeriget Danmarks vegne<sup>3</sup>:

[KJELD OLESEN]

Für die Regierung der Bundesrepublik Deutschland<sup>4</sup>:

[GISBERT POENGSEN]

Pour le Gouvernement de la République française<sup>5</sup> :

[PIERRE BERNARD-REYMOND]

<sup>1</sup> For the Government of the Kingdom of Belgium.

<sup>2</sup> Names of signatories appearing between brackets were not legible and have been supplied by the Council of the European Community — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Conseil des Communautés européennes.

<sup>3</sup> For the Kingdom of Denmark — Pour le Royaume du Danemark.

<sup>4</sup> For the Government of the Federal Republic of Germany — Pour le Gouvernement de la République fédérale d'Allemagne.

<sup>5</sup> For the Government of the French Republic.

For the Government of Ireland:<sup>1</sup>

[MICHAEL O'KENNEDY]

Per il Governo della Repubblica italiana<sup>2</sup>:

[GIUSEPPE ZAMBERLETTI]

Pour le Gouvernement du Grand-Duché de Luxembourg<sup>3</sup> :

[PAUL HELMINGER]

Voor de Regering van het Koninkrijk der Nederlanden<sup>4</sup>:

[CH. A. VAN DER KLAUW]

For the Government of the United Kingdom of Great Britain and Northern Ireland:<sup>5</sup>

[MICHAEL DACRES BUTLER]

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<sup>1</sup> Pour le Gouvernement de l'Irlande.

<sup>2</sup> For the Government of the Italian Republic — Pour le Gouvernement de la République italienne.

<sup>3</sup> For the Government of the Grand Duchy of Luxembourg.

<sup>4</sup> For the Government of the Kingdom of the Netherlands — Pour le Gouvernement du Royaume des Pays-Bas.

<sup>5</sup> Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.