II

(Acts whose publication is not obligatory)

COUNCIL

AGREEMENT

amending the Internal Agreement on the financing and administration of Community aid signed on 11 July 1975

(78/824/EEC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

Having regard to the Treaty establishing the European Economic Community,

Whereas the ACP-EEC Convention of Lomé, hereinafter called the 'Convention', laid down in its Article 42 the aggregate amount of Community aid to the original ACP States signatory thereto; whereas pursuant to Articles 89 and 90 of that Convention the accession of a State shall not adversely affect the advantages accruing to the ACP States signatory to the said Convention under the provisions on financial and technical cooperation and the stabilization of export earnings;

Whereas, with a view to the Decision which the Council was to adopt on 29 June 1976 on the association of the overseas countries and territories with the European Economic Community, the Internal Agreement on the financing and administration of Community aid, signed on 11 July 1975, hereinafter called the 'Internal Agreement', laid down the aggregate amount of Community aid to the overseas countries and territories and to the French overseas departments; whereas the same Agreement empowered the Council to adjust the amounts laid down therein for the ACP States and for the OCT and FOD if an overseas country or territory which became independent acceded to the Convention;

Whereas, following the accession of the Republic of Surinam, the Republic of Seychelles and the Comoro State to the Convention on 16 July, 27 August and 13 September 1976 respectively, the Council made an adjustment to the amounts made available to the European Development Fund (1975) for the ACP States on the one hand and the countries and territories and the French overseas departments on the other by its Decision of 14 February 1977;

Whereas the Agreements between the European Economic Community and the Democratic Republic of Sao Tome and Principe, the Republic of Cape Verde and Papua New Guinea respectively, hereinafter called 'Accession Agreements', provided for the accession of those three States to the Convention;

Whereas the amount of aid for the ACP States should therefore be increased; whereas to that end the total amount for the ACP States should be increased by the amount of 13 million European units of account provided for in the Council Decision on the association of the overseas countries and territories and which has to date remained frozen; whereas this amount should be supplemented by a contribution from the Member States broken down in accordance with the scale laid down in the Internal Agreement;

Whereas, pursuant to Article 10 (1) of the Internal Agreement and in order to facilitate the fulfilment of the obligations thus assumed by the Member States, the Council assigned to the European Investment Bank, hereinafter called 'Bank', the task of transferring to the European Development Fund, hereinafter called 'Fund', payments made to the Bank in respect of the operations referred to in that Article, up to the amount of the contributions which Belgium, Germany, France, Italy, Luxembourg and the Netherlands are called upon to make available to the Fund as from the date of entry into force of the three Accession Agreements; whereas Denmark, Ireland and the

United Kingdom, which did not participate in the financing of the previous Development Funds, are to pay their contributions directly to the Fund;

Whereas the Internal Agreement should accordingly be amended;

Whereas this Agreement should apply as soon as the ratification and notification procedures of any one of the three Accession Agreements have been completed; whereas, however, in the event of one or more acceding States not completing the ratification procedures of the Accession Agreement it has signed within a reasonable period, the Council should be empowered to carry out the appropriate adjustment of the amount of aid for the ACP States;

Having consulted the Commission of the European Communities,

HAVE AGREED AS FOLLOWS:

Article 1

The following paragraph is inserted after Article 1 (2) of the Internal Agreement:

'2a From the entry into force of the new Agreement the Fund shall consist of 3 159·50 million European units of account. In addition to the 3 150 million European units of account provided for in paragraph 2 this amount shall include 9·50 million European units of account composed of additional contributions from the Member States as follows:

Belgium	593 750 European units of account
Denmark	228 000 European units of account
Germany	2 465 250 European units of account
France	2 465 250 European units of account
Ireland	57 000 European units of account
Italy	1 140 000 European units of account
Luxembourg	19 000 European units of account
Netherlands	755 250 European units of account
United Kingdom	1 776 500 European units of account.'

Article 2

The following paragraphs are inserted after Article 1 (3) of the Internal Agreement:

'3a From the entry into force of the new Agreement the amount of 3 159·50 million European units of account referred to in paragraph 2a shall be allocated as follows:

(a) 3 054·10 million European units of account for the ACP States, consisting of:

— 3 000 million European units of account from the amount initially provided for in paragraph 3a for the original ACP States,

— 9·50 million European units of account from the amount provided for in paragraph 2a,

— 13 million European units of account from the amount stated in Article 30 (4) (a), first indent, as introduced by the Council Decision of 14 February 1977 adjusting Decision 76/568/EEC on the association of the overseas countries and territories with the European Economic Community,

— 31·60 million European units of account from the amount transferred from the appropriation for the OCT to that for the ACP under the Council Decision of 14 February 1977 adjusting the amounts made available to the European Development Fund (1975) for the ACP States on the one hand and for the overseas countries and territories and the French overseas departments on the other, following the accession of the Republic of Surinam, the Republic of Seychelles and the Comoro State to the Convention;

(b) 105·40 million European units of account for the overseas countries and territories and the French overseas departments from the amounts originally laid down in paragraphs 3b and 3c, taking into account the reduction made under the Decision referred to in the fourth indent of subparagraph (a).

3b (a) The amount stated in paragraph 3a (a) for the ACP States shall be allocated as follows:

2 137·00 million European units of account in the form of grants

440·10 million European units of account in the form of special loans

97·00 million European units of account in the form of risk capital

380·00 million European units of account in the form of transfers pursuant to Title II of the Convention.

(b) The amount stated in paragraph 3a (b) for the overseas countries, territories and departments shall be allocated as follows :

37·00 million European units of account in the form of grants

29·40 million European units of account in the form of special loans

4·00 million European units of account in the form of risk capital

15·00 million European units of account in the form of a reserve

20·00 million European units of account in the form of transfers for the countries and territories, pursuant to those provisions of the Decision which concern the system for stabilizing export earnings.'

Article 3

This Agreement amending the Internal Agreement shall be approved by each Member State in accordance with its own constitutional requirements. The Government of each Member State shall notify the General Secretariat of the Council of the European Communities when the procedures required for its entry into force have been completed.

Provided that the provisions of the preceding paragraph have been satisfied, this Agreement shall enter into force on the date on which the Community deposits with the Secretariat of the ACP States the first of the three acts of notification of the conclusion of one of the Agreements on accession to the Convention.

In the event of one or more States which have signed accession Agreements with the Community not having deposited its instrument of ratification within the time limit provided for in the Community declaration annexed to the Final Act of each Accession Agreement the Council, acting unanimously, will carry out the appropriate adjustment to the amount of the aid for the ACP States.

Article 4

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 General Secretariat of the Council of the European Communities, which shall transmit a certified copy to the Government of each of the Signatory States.

Udfærdiget i Bruxelles, den otteogtyvende marts nitten hundrede og syvoghalvfjerds.

Geschehen zu Brüssel am achtundzwanzigsten März neunzehnhundertsiebenundsiebzig.

Done at Brussels on the twenty-eighth day of March in the year one thousand nine hundred and seventy-seven.

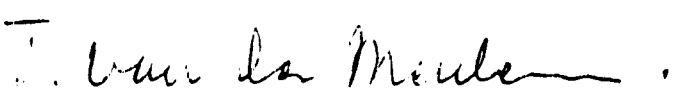
Fait à Bruxelles, le vingt-huit mars mil neuf cent soixante-dix-sept.

Fatto a Bruxelles, addì ventotto marzo millenovecentosettantasette.

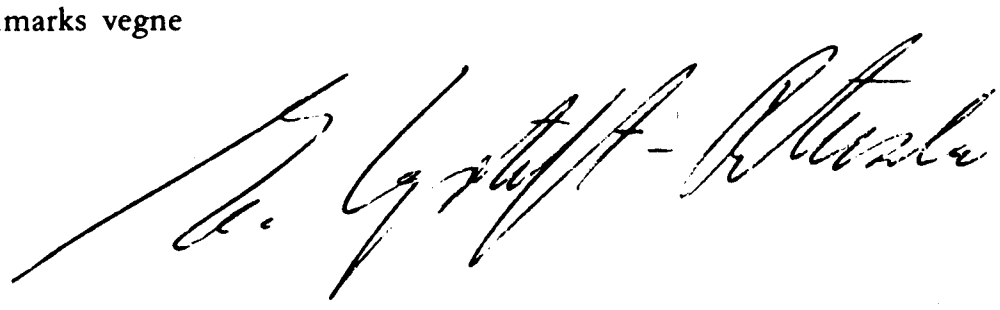
Gedaan te Brussel, de achtentwintigste maart negentienhonderd zevenenzeventig.

Pour le gouvernement du royaume de Belgique

Voor de Regering van het Koninkrijk België



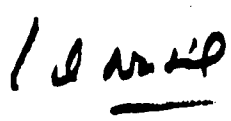
På kongeriget Danmarks vegne



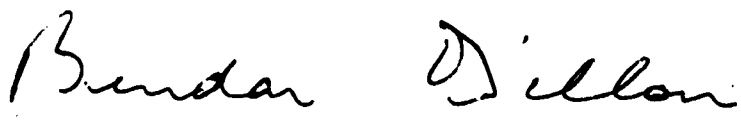
Für die Regierung der Bundesrepublik Deutschland



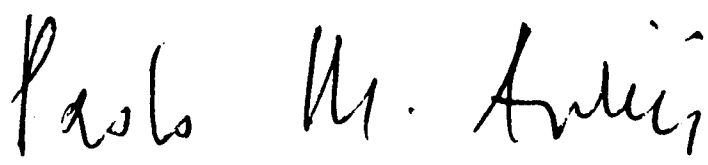
Pour le gouvernement de la République française



For the Government of Ireland



Per il governo della Repubblica italiana



Pour le gouvernement du grand-duché de Luxembourg

Voor de Regering van het Koninkrijk der Nederlanden

For the Government of the United Kingdom of Great Britain and Northern Ireland

Donald Maitland