



**TREATY SERIES 2007
N° 159**

**Agreement on the Accession of the Republic of Zimbabwe to the
Second ACP-EEC Convention**

Done at Luxembourg on 4 November 1980

**Notification of completion of requirements for entry into force on 17
September 1981**

Entered into force on 1 March 1982

Presented to Dáil Éireann by the Minister for Foreign Affairs

**AGREEMENT ON THE ACCESSION OF THE REPUBLIC ZIMBABWE
TO THE SECOND ACP-EEC CONVENTION**

HIS MAJESTY THE KING OF THE BELGIANS,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the European Economic
Community (hereinafter called "the Community") signed at Rome on 25 March
1957, and whose States are hereinafter referred to as "Member States"

and

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

on the one hand , and

THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE,

on the other hand ,

Having regard to the Treaty establishing the European Economic Community,
hereinafter called the "Treaty",

Having regard to the second ACP-EEC Convention between the African,
Caribbean and Pacific States and the European Economic Community , signed at

Lomé on 31 October 1979 , hereinafter called the " Convention " , and in particular Article 186 thereof ,

Whereas Zimbabwe has applied to accede to the Convention;

Whereas the ACP-EEC Council of Ministers has approved the application,

HAVE DECIDED to conclude an Agreement on the accession of Zimbabwe to the Convention, and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS:

Charles-Ferdinand NOTHOMB,
Minister for Foreign Affairs;

HER MAJESTY THE QUEEN OF DENMARK:

Kjeld OLESEN,
Minister for Foreign Affairs;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Klaus von DOHNANYI,
Minister of State for Foreign Affairs;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Jean FRANCOIS-PONCET,
Minister for Foreign Affairs;

THE PRESIDENT OF IRELAND:

Brian LENIHAN,
Minister for Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Emilio COLOMBO,
Minister for Foreign Affairs;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Jean DONDELINGER,
Ambassador Extraordinary and Plenipotentiary,
Permanent Representative to the European Communities;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Ch . A . van der KLAAUW,
Minister for Foreign Affairs;

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND:

Lord CARRINGTON,
Secretary of State for Foreign and Commonwealth Affairs;

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Gaston THORN,
President-in-office of the Council of the European Communities,
Vice-President and Minister for Foreign Affairs of the Government of the Grand
Duchy of Luxembourg;
Claude CHEYSSON,
Member of the Commission of the European Communities;

THE PRESIDENT OF THE REPUBLIC OF ZIMBABWE:

The Hon. David Colville SMITH, MP,
Minister for Commerce and Industry;

Who, having exchanged their Full Powers, found in good and due form,

Have agreed as follows:

Article 1

1. By this Agreement Zimbabwe accedes to the Convention.
2. Save as otherwise provided in this Agreement, the provisions of the Convention and also the decisions and other implementing measures taken by the institutions of the Convention shall apply to Zimbabwe.

Article 2

The time limits laid down by the Convention and calculated from the entry into force of the Convention shall for the purpose of application to Zimbabwe be calculated from the entry into force of this Agreement.

Article 3

1. As regards the Community, this Agreement shall be validly concluded by a decision of the Council of the European Communities taken in conformity with the provisions of the Treaty and notified to the Parties. It shall be ratified by the signatory States in conformity with their respective constitutional requirements.

2. The instruments of ratification and the act of notification of the conclusion of the Agreement shall be deposited, as regards Zimbabwe, with the Secretariat of the Council of the European Communities and, as regards the Community and the Member States, with the Secretariat of the ACP States. The Secretariats shall forthwith give notice thereof to the signatory States and the Community.

Article 4

This Agreement shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification of the Member States and of Zimbabwe and of the act of notification of the conclusion of the Agreement by the Community.

Article 5

This Agreement, drawn up in two copies in the Danish, Dutch, English, French, German and Italian languages, all texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities and with the Secretariat of the ACP States, which shall both transmit a certified copy to the Government of each of the signatory States.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Agreement.

Done at Luxembourg on the fourth day of November in the year one thousand nine hundred and eighty.

FINAL ACT

The Plenipotentiaries of

His Majesty the King of the Belgians,

Her Majesty the Queen of Denmark,

The President of the Federal Republic of Germany,

The President of the French Republic,

The President of Ireland,

The President of the Italian Republic,

His Royal Highness the Grand Duke of Luxembourg,

Her Majesty the Queen of the Netherlands,

Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland,

and the Council of the European Communities,

of the one part , and

the President of the Republic of Zimbabwe,

of the other part,

meeting at Luxembourg on 4 November 1980 for the purpose of signing an Agreement on the accession of Zimbabwe to the second ACP-EEC Convention signed at Lomé on 31 October 1979 between the African , Caribbean and Pacific States and the European Economic Community,

have adopted the following text :

The Agreement on the accession of the Republic of Zimbabwe to the second ACP-EEC Convention.

The Plenipotentiary of the President of the Republic of Zimbabwe has stated that the Republic of Zimbabwe associates itself with the declarations listed below, which constitute Annexes I to XXIV to the Final Act of the second ACP-EEC Convention .

1. Joint declaration on the presentation of the Convention to GATT (Annex I)
2. Joint declaration on the arrangements governing access to the markets of the French overseas departments for products originating in the ACP States referred to in Article 2 (2) of the Convention (Annex II)
3. Joint declaration on Articles 9 and 11 of the Convention (Annex III)
4. Joint declaration on products covered by the common agricultural policy (Annex IV)
5. Joint declaration on trade between the European Economic Community and Botswana, Lesotho and Swaziland (Annex V)
6. Joint declaration on Article 46 (3) of the Convention (Annex VI)
7. Joint declaration on ACP-EEC consultations in the event of the establishment of a system for the stabilization of export earnings at world level (Annex VII)
8. Joint declaration on the encouragement of mining investment (Annex VIII)
9. Joint declaration on investments relating to Article 64 of the Convention (Annex IX)
10. Joint declaration on complementary financing of industrial cooperation (Annex X)
11. Joint declaration on Article 82 of the Convention (Annex XI)
12. Joint declaration on Article 131 of the Convention (Annex XII)
13. Joint declaration on Article 132 of the Convention (Annex XIII)
14. Joint declaration reproducing the text of Articles 24 to 27 of Protocol 2 to the ACP-EEC Convention of Lomé referred to in Article 142 of this Convention and the joint declaration on Article 26 of the said Protocol (Annex XIV)

15. Joint declaration on workers who are nationals of one of the Contracting Parties and are residing legally in the territory of a Member State or an ACP State (Annex XV)

16. Joint declaration on representation of regional economic groupings (Annex XVI)

17. Joint declaration on Article 185 of the Convention (Annex XVII)

18. Joint declaration on sea fishing (Annex XVIII)

19. Joint declaration on shipping (Annex XIX)

20. Joint declaration on Protocol 1 (Annex XX)

21. Joint declaration on the origin of fishery products (Annex XXI)

22. Joint declaration on Protocol 5 (Annex XXII)

23. Joint declaration on Article 1 of Protocol 5 (Annex XXIII)

24. Joint declaration on Article 4 of Protocol 5 (Annex XXIV)

The Plenipotentiary of the President of the Republic of Zimbabwe has taken note of the declarations listed below, which constitute Annexes XXV to XL to the Final Act of the second ACP-EEC Convention:

1. Community declaration on trade liberalization (Annex XXV)

2. Community declaration on Article 2 (2) of the Convention (Annex XXVI)

3. Community declaration on Article 3 of the Convention (Annex XXVII)

4. Community declaration on Article 9 (2) (a) of the Convention (Annex XXVIII)

5. Community declaration on Article 12 (3) of the Convention (Annex XXIX)

6. Community declaration on Article 21 of the Convention (Annex XXX)

7. Community declaration on Article 95 of the Convention (Annex XXXI)

8. Community declaration on Article 95 of the Convention (Annex XXXII)
9. Community declaration on Article 156 of the Convention (Annex XXXIII)
10. Declaration by the representative of the Government of the Federal Republic of Germany concerning the definition of German nationals (Annex XXXIV)
11. Declaration by the representative of the Government of the Federal Republic of Germany concerning the application to Berlin of the Convention (Annex XXXV)
12. Community declaration on Article 30 and 31 of the Convention (Annex XXXVI)
13. Community declaration relating to Protocol 1 on the extent of territorial waters (Annex XXXVII)
14. Community declaration on Protocol 2 (Annex XXXVIII)
15. Community declaration relating to Protocol 2 on the operating expenses of the institutions (Annex XXXIX)
16. Community declaration on Protocol 3 (Annex XL).

The Plenipotentiary of the President of the Republic of Zimbabwe has stated that the Republic of Zimbabwe associates itself with the declarations listed below which constitute Annexes XLI to XLIV to the Final Act of the second ACP-EEC Convention:

1. Declaration of the ACP States on Article 2 of the Convention (Annex XLI)
2. Declaration of the ACP States on the scheme for mineral products (Annex XLII)
3. Declaration by the ACP States concerning Article 95 of the Convention (Annex XLIII)
4. Declaration of the ACP States on the origin of fishery products (Annex XLIV).

The Plenipotentiaries of the Contracting Parties have also adopted the texts on the following declarations annexed to this Final Act:

1. Declaration on the trade regime

2. Declaration on beef and veal

3. Declaration on sugar.

The Plenipotentiary of the President of the Republic of Zimbabwe has taken note of the following declaration annexed to this Final Act:

4. Community declaration on Article 155 (3) (b) of the Convention.

The Plenipotentiaries of the Member States and the Plenipotentiary of the President of the Republic of Zimbabwe have also adopted the text of the Agreement on products within the province of the European Coal and Steel Community.

Done at Luxembourg on the fourth day of November in the year one thousand nine hundred and eighty.

ANNEX 1

Declaration on the trade regime

Having regard to Article 9 of the second ACP-EEC Convention and to the declaration in Annex XXVIII to the Convention, the Community recognizes, and the Government of Zimbabwe declares:

- that if any modification to the Zimbabwe customs tariff and to its preferential arrangements with a developed third country is contemplated , the Government of Zimbabwe will enter into immediate consultations with the Community regarding such intentions;

- that the Government of Zimbabwe and the Community will have immediate consultations at the request of either party, whenever the preferential treatment granted to another developed country might be considered as giving rise to a less favourable treatment for Community exports .

ANNEX 2

Declaration on beef and veal

Zimbabwe has taken note of the special regime, which has been introduced for the benefit of certain ACP States, which are traditional exporters of beef and veal to the Community, as set out in the exchanges of letters on ACP beef and veal dated 31 October 1979.

The Community, within the framework of the commitments which it has taken in this respect, is prepared to apply the same regime to Zimbabwe, from the date of its accession to the second ACP-EEC Convention for the remaining period of the said Convention.

For the first two years, the Community shall grant Zimbabwe an annual quantity of 8 100 tonnes of boned or boneless beef and veal. For the remaining period, Zimbabwe shall continue to benefit in the same way in respect of an annual quantity of 8 100 tonnes subject to the normal application of the regime mentioned above.

In subscribing to this declaration, Zimbabwe has stated that the revenue accruing from the tax, equivalent to the levy abatements, imposed on its beef and veal exports, will be used to meet national priorities in the livestock sector, where these relate to small-holder production notably through:

- the improvement and development of the veterinary services of small-holders,
- the improvement and development of abattoirs which provide significant services to small-holders,
- the improvement of extension, training and development services in favour of small scale producers.

ANNEX 3

Declaration on sugar

1. The Community , noting that Zimbabwe was a party to the Commonwealth Sugar Agreement , agreed with Zimbabwe that it should enjoy the award of a quantity of sugar of 25 000 tonnes of white equivalent per annum , and that in consequence it should become a member of the Protocol on ACP sugar.

The parties further agreed that immediately after the day of accession of Zimbabwe to the second ACP-EEC Convention and at the latest six months thereafter, Zimbabwe and the Commission will meet with a view to determining by common agreement the timetable of the quantities to be delivered in order to reach the quantity specified in the preceding paragraph.

2. The Government of Zimbabwe, by agreeing to the text of paragraph 1, expects that the first supplies of 25 000 tonnes of sugar per annum will take place during the delivery period 1982/83.

3. For its part, the Community confirms that it will take the necessary steps to ensure that the objective of 25 000 tonnes will be reached as soon as possible and guarantees that, starting from the delivery period 1982/83, the price conditions provided for in the Protocol on ACP sugar will be applied to an annual quantity of 25 000 tonnes of sugar originating in Zimbabwe.

ANNEX 4

Community declaration on Article 155 (3) (b) of the Convention

The Community , by reason of the fact that Zimbabwe is a land-locked State, will propose to the ACP-EEC Council of Ministers that Zimbabwe , as from its accession , be included in the list contained in Article 155 (3) (b) of the second ACP-EEC Convention .