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**Internal Agreement on the Measures and Procedures  
required for Implementation of the Fourth ACP-EEC  
Convention**

Done at Brussels on 16 July 1990

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July 1991

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Presented to Dáil Éireann by the Minister for Foreign Affairs

**INTERNAL AGREEMENT ON MEASURES AND PROCEDURES  
REQUIRED FOR IMPLEMENTATION OF THE FOURTH ACP-EEC  
CONVENTION**

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 (hereinafter called 'the Treaty') and the Fourth ACP-EEC Convention signed at Lomé on 15 December 1989, (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, as the case may be, 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,

**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 345 of the Convention, the Council of ACP-EEC Ministers envisages delegating to the Committee of Ambassadors provided for by the 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 in the same manner 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 346 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 at the earliest opportunity 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

1. Any Member States having concluded with any ACP State a treaty, convention, agreement or arrangement or part of a treaty, convention, agreement or arrangement concerning investment promotion and protection, whether or not before entry into force of this Agreement, shall communicate the text at the earliest opportunity to the General Secretariat of the Council, which shall inform the other Member States and the Commission.

2. Any Member State contemplating concluding with an ACP State a treaty, convention, agreement or arrangement or part of a treaty, convention, agreement or arrangement concerning investment promotion and protection may

communicate its intention to the other Member States and the Commission through the General Secretariat of the Council.

3. At the request of any interested Member State, exchanges of views may take place within the Council on the basis of the communications referred to in paragraphs 1 and 2. A Member State which has started negotiations that have been the subject of such exchanges of views shall communicate to the other Member States and the Commission through the General Secretariat of the Council any further information of use to them. At the conclusion of the negotiations it shall communicate to them in the same manner the initialled text of the agreement reached as a result of the negotiations.

#### Article 5

Should a Member State consider it necessary to invoke Article 352 of the Convention in 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 put forward 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 6

Disputes arising between Member States concerning the Convention, the Protocols attached thereto or the Internal Agreements signed for implementation of the Convention shall, at the request of the earliest petitioner, be submitted to the Court of Justice of the European Communities in the manner laid down in the Treaty and in the Protocol on the Statute of the Court of Justice annexed to the Treaty.

#### Article 7

The representatives of the Governments of the Member States, meeting in the Council, may at any time, after consulting the Commission, amend or supplement this Agreement.

#### Article 8

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 General Secretariat of the Council of the completion of the procedures required for the entry into force of the Agreement.

Provided that the provisions of the first paragraph have been complied with, this Agreement shall enter into force at the same time as the Convention (1). It shall remain in force for the duration of that Convention.

### Article 9

This Agreement, drawn up in a single original in the Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish languages, all nine texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council, which shall transmit a certified copy to each of the governments of the Signatory States.

**Done** at Brussels on the sixteenth day of July in the year one thousand nine hundred and ninety.