

Economic Community of West African States, African Regional Bodies

Regulation C/REG.9/12/00 Establishing the Procedure for Transfer of Approval Given to Industrial Enterprises and Products Pursuant to a Change of Company's Name

Legislation as at 12 December 2000

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Economic Community of West African States

Regulation C/REG.9/12/00 Establishing the Procedure for Transfer of Approval Given to Industrial Enterprises and Products Pursuant to a Change of Company's Name

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Commenced in full

[This is the version of this document at 12 December 2000.]

The Council of Ministers,

MINDFUL of Articles 10, 11 and 12 of the revised ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

MINDFUL of Decisions C/DEC.3/6/88 and C/DEC 4/7/92 of the Council of Ministers dated 21 June 1988 and 25 July 1992 respectively, establishing the procedure for granting approval to industrial enterprises and products to benefit from the ECOWAS trade liberalisation scheme;

NOTING that industrial mergers are becoming increasingly frequent in Member States;

DESIRING to promote intra-Community trade through speedy and effective trade liberalisation within ECOWAS;

AWARE of the need to process applications for transfer of approval under the trade liberalisation scheme as quickly as possible;

ON THE RECOMMENDATION of the forty-first meeting of Trade, Customs, Immigration, Money and Payments Commission held in Bamako from 27th to 30th November, 2000.

ENACTS

1. Conditions governing transfer of approval

Article 1

The procedure for processing applications for transfer of approval following a change in company name occasioned by a company acquisition or a company merger shall be as set out in the articles hereunder

Article 2

An enterprise which, for any of the reasons enumerated in Article 1 above, applies for a transfer of approval:

- i) must be registered in a Member State.
- ii) must manufacture the same types of goods for which the initial approval was granted; that is to say the products must have the same characteristics, and the goods must still meet the Community origin criteria. The packaging of the goods may however be different

An enterprise which does not satisfy the above conditions must submit a fresh application.

II. Procedure

Article 3

All applications from the companies or enterprises requesting a transfer of approval shall be sent to the relevant authority in the Member State where they shall be screened before being forwarded to the ECOWAS Executive Secretariat;

Such applications must be channelled through the ministry in charge of ECOWAS affairs.

Article 4

The ECOWAS Executive Secretariat shall consider such applications received, and shall grant the transfer of approval where such applications satisfy the conditions set out in Articles 1 and 2 above. It shall duly notify all Member States as well as the enterprises concerned of its decision

III. Documentation

Article 5

Applications for a transfer of approval must include the following documents:

- i) a formal request from the enterprise applying for the transfer of approval, stating the reasons for the application and including the following information:
 - the identify of the enterprise (the company name, the nature of its activities, its location and its headquanners);
 - the product name identity and a description of the manufacturing process;
 - the quantity and value of the raw materials used and the value-added of the manufactured product
- ii) a deed of transfer or merger issued by the competent authority of the country in which the enterprise is located;
- iii) an attestation of registration in the trade register.

IV. Publication

Article 6

This Regulations shall be published in the Official Journal of the Community by the Executive Secretariat within thirty (30) days of its signature by the Chairman of Council. It shall also be published by each Member State in its National *Gazette* within the same time-frame

Done at Bamako, this 12th day of December, 2000

Mr. Bacari Kone

Chairman for the Council