

English Edition

### PROTOCOLS, DECISIONS & DIRECTIVES

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**A/SP3/5/80 SUPPLEMENTARY PROTOCOL  
AMENDING ARTICLE VIII OF THE FRENCH  
TEXT OF THE PROTOCOL RELATING TO THE  
DEFINITION OF THE CONCEPT OF PRODUCTS  
ORIGINATING FROM MEMBER STATES  
(TREATMENT OF MIXTURES)**

**THE HIGH CONTRACTING PARTIES**

**MINDFUL** of Article VIII of the Protocol relating to the definition of the concept of products originating from Member States;

**CONSIDERING** that the English and French texts of the second paragraph of the said Article are not identical;

**CONVINCED** that the English text is more satisfactory;

**ANXIOUS** to eliminate all difficulties that could hinder the application of the Treaty and the annexed Protocols;

**DESIROUS** of concluding an Additional Protocol relating to the amendment of Article 8 of the French text of the Protocol relating to the definition of the concept of products originating from Member States;

**HAVE AGREED AS FOLLOWS:**

**Article I**

Article VIII of the French text of the Protocol relating to the definition of the concept of products originating from Member States is modified as follows:

**TREATMENT OF MIXTURES  
New Article VIII**

1. "In the case of mixtures not being groups, set or assemblies of goods dealt with under Article X of this Protocol, a Member State may refuse to accept as originating in a Member State any

product resulting from the mixing together of goods which would qualify as originating in the Member State with goods which would not qualify, if the characteristics of the product as a whole are not essentially different from the characteristics of the goods which have been mixed".

2. "In the case of particular products for which the Council of Ministers finds it desirable to accept mixing as envisaged under paragraph 1 of this Article, such products may be considered as originating from Member States, subject to such conditions as the Council of Ministers may fix upon the recommendation of the Commission, in respect of the part utilised in the mixing which could be proved to be originating from Member States".

**Article II**

**DEPOSIT AND ENTRY INTO FORCE**

1. The present Additional Protocol shall enter into force provisionally upon signature by the Heads of State and Government of Member States and definitively upon ratification by at least seven signatory States in conformity with the constitutional procedures for each Member State.
2. The present Additional Protocol as well as all Instruments of Ratification shall be deposited with the Executive Secretariat which shall transmit true certified copies of the present Additional Protocol to all Member States, notify them of the dates of deposit of the Instrument of Ratification and shall register the Present Additional Protocol with the Organisation of African Unity, the United Nations Organisation and any other Organisations that the Council may designate.
3. The present Additional Protocol is annexed to and forms an integral part of the Treaty.

**IN FAITH WHEREOF WE THE HEADS OF  
STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATE  
HAVE SIGNED THIS ADDITIONAL PROTOCOL**

**DONE AT LOME THIS 28 DAY OF MAY, 1980 IN SINGLE ORIGINAL IN THE ENGLISH AND  
FRENCH LANGUAGES BOTH TEXTS BEING EQUALLY AUTHENTIC**

  
.....  
H.E. Colonel Mathieu KEREKOU  
President of the People's  
Republic of Benin

  
.....  
H.E. Mr. Simeon AKE  
Minister of Foreign Affairs  
For and on behalf of the  
President of the Republic of  
Ivory Coast

H.E. Major Pedro PIRES  
Prime Minister  
For and on behalf of the  
President of the Republic of Cape Verde

Hon. Mr. Saihou SABALLY  
Minister of Economic Planning  
and Industrial Development  
For and on behalf of the  
President of the Republic of Gambia

H.E. Mr. Hilla LIMANN  
President of the Republic of Ghana

H.E. Colonel Seyni KOUNTCHE  
Head of State and Chairman of  
the Supreme Military Council  
of the Republic of Niger

H.E. Dr. Ahmed Sekou TOURE  
President of the People's  
Revolutionary Republic of  
Guinea

Alhaji Shehu SHAGARI  
President of the Federal  
Republic of Nigeria

H.E. Mr. Luix CABRAL  
President of the Republic of  
Guinea-Bissau

H.E. Mr. Amadou Cledor SALL  
Minister of Defence  
For and on behalf of the  
President of the Republic of  
Senegal

H.E. General Sangoule LAMIKANA  
President of the Republic of  
Upper Volta

for H.E. Dr. Siaka STEVENS  
President of the  
Republic of Sierra-Leone

H.E. General Moussa TRAORE  
President of the Republic of Mali

H.E. General Gnassingbe EYADEMA  
President of the Republic of Togo

H.E. Mr. Mohamad OULD HAIDALLA  
President of the Islamic  
Republic of Mauritania

**(a) DECISION OF THE AUTHORITY OF HEADS OF STATE OF STATE**

**A/DEC15/5/80 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE FIXING OF THE DESIRABLE LEVEL OF NATIONAL PARTICIPATION IN THE EQUITY CAPITAL OF INDUSTRIAL ENTERPRISES WHOSE PRODUCTS BENEFIT FROM PREFERENTIAL DUTY**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,**

MINDFUL of Article 5 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions,

**DECIDES**

Article 1 i. The level of participation by nationals of Member States in the equity capital of industrial enterprises as well as the corresponding periods of implementation are hereby fixed as indicated below:

— 28 May 1981	20%
— 28 May 1983	35%
— 28 May 1989	61%

ii. The list of enterprises fulfilling the conditions fixed in Article 1.1 above shall be drawn up and sent to the Executive Secretariat by the competent authority responsible for industrial affairs in each Member State on the basis of a dossier presented by the enterprises concerned and containing the following information:

- a. Identity of the industrial enterprise, legal status, headquarters
- b. Nature of activity
- c. Equity capital and its ownership structure
  - percentage held by the Member State
  - percentage held by nationals of the Member State
  - percentage held by nationals of other Member States
  - percentage held by foreigners

The Executive Secretariat shall give to each enterprise concerned an Authorisation Number that shall necessarily be quoted on the ECOWAS Certificate of Origin, and shall inform Member States accordingly.

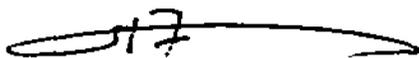
Article 2 Paragraph 2 of Article II of the Protocol relating to the definition of originating products shall be consequently modified.

Article 3 The present Decision shall come into force upon signature and shall be published in the Official Journal of the

Community and the National Gazette of each Member State.

Done at Lome this 28th day of May, 1980 in single original in the English and French languages; both texts being equally authentic.

For the Authority



The Chairman

**A/DEC16/5/80 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE AMENDMENT OF PARAGRAPH 2 OF ARTICLE VIII OF THE FRENCH TEXT OF THE PROTOCOL RELATING TO THE DEFINITION OF THE CONCEPT OF PRODUCTS ORIGINATING FROM MEMBER STATES**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**

MINDFUL of Article 5 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its compositions and functions;

**DECIDES**

Article 1 Paragraph 2 of Article VIII of the French text of the Protocol relating to the definition of the concept of products originating from Member States is hereby amended as follows:

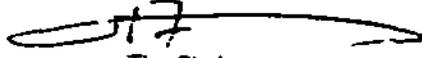
**Naw paragraphe 2**

'In the case of particular products where it is, however, recognised by COUNCIL to be desirable to permit mixing of the kind described in paragraph 1 of this Article, such products shall be considered as originating in the Member States, subject to such conditions as may be fixed by the COUNCIL upon the recommendation of the Commission, in view of the part used in the mixing that can be proved to be originating from Member States.'

Article 2 The present Decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

Done at Lome on this 28th May, 1980 in single original in the English and French languages both texts being equally authentic.

For the Authority



The Chairman

**A/DEC17/5/80 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE MODIFICATION OF ARTICLE 2 PARAGRAPH 2 OF THE PROTOCOL RELATING TO THE ASSESSMENT OF LOSS OF REVENUE OF MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**

MINDFUL of Article 5 of the Treaty establishing the Authority of Heads of State and Government and defining its composition and functions,

**DECIDES**

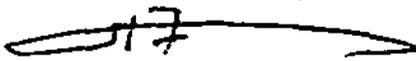
Article 1 Paragraph 2 of Article 2 of the Protocol relating to the Assessment of Loss of Revenue of Member States of the Economic Community of West African States is modified as follows:

"2. The Assessment of losses shall be notified and the payment of compensations shall be effected at the same time to all beneficiary Member States".

Article 2 The present Decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

Done at Lome 28 May, 1980 in single original in the English and French languages, both texts being equally authentic.

For the Authority



The Chairman

**A/DEC 18/5/80 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO TRADE LIBERALIZATION IN INDUSTRIAL PRODUCTS**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**

MINDFUL of the Treaty establishing the Economic Community of West African States and especially its Articles 5, 13 and 17.

CONSIDERING Decision No. 5 of the Council of Ministers Meeting of 25th May, 1980

**DECIDES**

Article I – TRADE LIBERALIZATION IN INDUSTRIAL PRODUCTS AND ELIMINATION OF TARIFF BARRIERS SHALL BE GOVERNED BY THE FOLLOWING SCHEDULES:

**SCHEDULE I**

**a. Products of Community Enterprises**

Such products shall be liberalized immediately they are produced and they shall have free access to the Community market duty free.

**b. Priority Industrial Products to enjoy accelerated Liberalization**

Such products shall be liberalised over a period of four (4) years at the following rate: 25, 50, 75 and 100 per cent which shall be implemented on the 28th of May of the years 1981, 1982, 1983 and 1984 respectively.

**c. Other Products**

Such products shall be liberalized over a period of six (6) years at the following rate: 15, 30, 50, 70, 90 and 100 per cent which shall be implemented on the 28th of May of the years 1981, 1982, 1983, 1984, 1985 and 1986 respectively.

2. THE TARIFF ELIMINATION SCHEME STIPULATED IN SCHEDULE I ABOVE SHALL APPLY TO IVORY COAST, GHANA, NIGERIA AND SENEGAL

**SCHEDULE II**

**a. Products of Community Enterprises**

Such products shall be liberalized immediately they are produced and they shall have free access to the Community market duty free.

**b. Priority Industrial Products to enjoy Accelerated Liberalization**

Such products shall be liberalized over a period of six (6) years at the rate of 15, 30, 50, 70, 90 and 100 per cent which shall be implemented on the 28th of May of the years 1981, 1982, 1983, 1984, 1985 and 1986 respectively.

**c. Other Products**

Such products shall be liberalized over a period of eight (8) years at the rate of 10, 20, 30, 45, 60, 75, 90 and 100 per cent which shall be implemented on the 28th of May of the years 1981, 1982, 1983, 1984, 1985, 1986, 1987 and 1988 respectively.

3. THE TARIFF ELIMINATION SCHEME STIPULATED IN SCHEDULE II ABOVE SHALL APPLY TO BENIN, CAPE VERDE, GAMBIA, GUINEA, GUINEA BISSAU, UPPER VOLTA, LIBERIA, MALI, MAURITANIA, NIGER, SIERRA LEONE AND TOGO

## Article II ELIMINATION OF NON-TARIFF BARRIERS

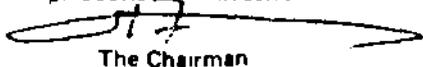
For the purposes of eliminating non-tariff barriers the following scheme shall apply:

1. All Member States shall be treated on the same level.
2. The method of liberalization shall be left to the discretion of Member States.
3. Liberalization shall be undertaken at a faster rate than tariff barriers and shall be eliminated over a period of four (4) years commencing from the 28th May, 1981.

Article III Subject to the provisions of Decisions No. 5 of the Council of Ministers of 25th May, 1980, this decision shall enter into force on 28th May, 1980, upon signature and shall be published in the Official Journal of the Community and in the National Gazette of respective Member States.

Done at Lome this 29th May, 1980 in single original in the English and French languages both texts being equally authentic.

For Council of Ministers



The Chairman

## A/DEC19/5/80 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE APPLICATION OF THE COMPENSATION PROCEDURES FOR THE LOSS OF REVENUE SUFFERED BY ECOWAS MEMBER STATES AS A RESULT OF THE TRADE LIBERALIZATION PROGRAMME

### THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

MINDFUL of the Treaty of the Economic Community of West African States and especially Articles 13, 20, 50 and 52:

MINDFUL of the Protocol relating to the assessment of loss of revenue recorded by Member States of the Community.

MINDFUL of the Protocol relating to the Fund for Cooperation, Compensation and Development of the Community and especially Article 2 (a).

MINDFUL of decision No. 4 of the Authority dated 28th May, 1980 relating to the Trade Liberalization Programme of the Community;

#### Article I

### CHAPTER I; DEFINITIONS AND PROCEDURES

The loss of revenue suffered by a Member State due to the implementation of the Treaty constitutes

the total shortfall in receipts recorded by that Member State as a result of Trade Liberalization within the Community.

This is equal to the difference between the revenue that would have accrued if the most favoured nation rate or the general rate, whichever, was applicable and consolidated on 28 May, 1979, and the actual revenue collected by using the preferential rate of duty derived from the liberalization programme as decided by the Council of Ministers.

#### Article 2

The preferential rate of duty shall be the difference between the rate applicable to the third country benefitting from the most favoured Nation clause and the product of this rate by applying the liberalization rate resulting from the liberalization programme, decided by the Authority of Heads of State and Government.

In the event of the favoured Nation rate not granted to third country, the preferential rate of taxation shall be the difference between the rate of common duties consolidated in May, 1979 and the product of this rate derived by applying the liberalization rate resulting from the Liberalization programme decided by the Authority of Heads of State and Government.

#### Article 3

The rate applicable to countries benefitting from the most favoured nation clause to be taken into account shall be the rate in force by the date of consolidation of tariff and non-tariff barriers, that is to say 28 May, 1979.

#### Article 4

The importing Member State shall attach to its request for compensation for loss in revenue a summary of customs declarations for home consumption and corresponding certificates of origin as well as exports declaration accompanying the product.

The dossier for the request for compensation shall also be accompanied by the summary record of the re-exported originating products which have been subject of compensation. The movement certificates, certificates of origin and consumption certificates must be attached to this summary record.

The dossier for the request for compensation must reach the Executive Secretariat within the first months following the period under consideration.

#### Article 5

The Secretariat shall verify the different items contained in this dossier.

#### Article 6

The calculation of the amount of losses to be compensated shall be undertaken in respect of each Member State on the basis of the total losses incurred from the importation of industrial originating products, less the amount of losses attributable to industrial originating products which were object of re-exportation.

## Article 7

**CHAPTER II: BUDGET FOR COMPENSATION**

The budget for compensation is equal to the aggregate of loss in revenue incurred by all Member States due to the implementation of the provisions of the Treaty relating to Trade Liberalization.

## Article 8

The budget for compensation of a given year is equal to the budget for compensation of the preceding year adjusted for changes in the rate of preferential duties and the projected growth in the volume of intra-community trade.

## Article 9

The contribution of a Member State to the compensation budget is calculated on the basis of the country's share in the value of total intra-community exports in originating manufactured products.

## Article 10

The payment of contribution to the compensation budget shall be done in convertible currency by Member States latest on the 31st of January of the fiscal year under consideration.

## Article 11

**CHAPTER III: PAYMENT OF COMPENSATION**

The payment of compensation to a Member State shall be calculated subject to deductions of any shortfalls in revenue recorded in respect of originating products imported by this Member State which may be identified as re-exported goods.

## Article 12

Losses in revenue resulting from the preferential duties shall be fully compensated for. However, for reasons of solidarity the Council of Ministers decided that one fifth (1/5) of the losses suffered by the four more developed countries, i.e. Ivory Coast, Ghana, Nigeria and Senegal shall be subjected to redistribution in the following manner:

- i. During the first five (5) years of the trade liberalization, this one fifth (1/5) shall be made fully available to the least developed States and shall be inversely proportional to the coefficient of the contribution of Member States to the budget of the Community.
- ii. After this period of five (5) years, this one fifth (1/5) shall be given to all the sixteen Member States on the above-mentioned basis.

## Article 13

The Council of Ministers shall define the conditions governing the use of this one fifth (1/5) by Member States.

## Article 14

**CHAPTER IV: MODALITIES AND FREQUENCY OF PAYMENT OF COMPENSATION**

The payment of compensation shall be made within thirty days following the end of each quarter on the presentation of the application document provided the claim being made is valid.

- i. However, at the beginning of each budget year each Member State shall be paid in advance of a quarter of the estimated loss it may have suffered during the year under consideration.
- ii. Furthermore, all rights of eligibility for compensation shall cease five years after the budget under consideration.

## Article 15

The payment of compensation to any Member State shall be subject to payment of contributions to the compensation budget by the Member State concerned and the presentation of a dossier for request for compensation within the prescribed time limits.

## Article 16

Any delay in the payment of the contributions to the compensation budget or the communication of necessary information for the implementation of the mechanism and the procedures relating to the compensation for loss of revenue will lead to the automatic suspension of rights to compensation until the above-mentioned obligations are fulfilled.

## Article 17

The payment of compensation shall be done in convertible currency in principle, the same currency used by the Member States for the payment of its contribution to the compensation budget.

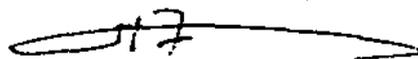
## Article 18

**CHAPTER V: ENTRY INTO FORCE**

The present Decision shall come into force on the date of the entry into force of the Trade Liberalisation programme and shall be published and registered wherever necessary and particularly in the Official Journal of the Community and the National Gazette of each Member State.

Done in Lome this 28th day of May, 1980 in single original in the English and French languages, both texts being equally authentic.

For the Authority



The Chairman

**A/DEC20/5/80 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE TRANSPORT PROGRAMME**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**

MINDFUL of Article 5 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

**DECIDES**

Article 1 The Executive Secretary is directed to carry out the following Transport Programme:

**A. SHORT-TERM PROGRAMME**

- a. Road Transport
  1. Study and adoption of TIE and TRIE Convention by the Community
  2. Harmonisation of Road Transport Legislations in ECOWAS Member States
  3. Harmonisation of road-control systems within the Community
  4. Study of cost of road transport and road taxation in the Community (Inter-State axes)
  5. Study of the realisation of the Trans-Sahelian DAKAR - N' DJAMENA Road
  6. Study of the realisation of the LAGOS - NOUAKCHOTT Trans-Coastal Road
  7. Realisation of an ECOWAS Automobile Insurance System.
- b. Rail Transport
  1. Economic Feasibility Study on an Upper Volta - Niger - Togo and Upper Volta - Mali rail link.
  2. Study of the Guinea - Mali rail link: Variants: Kankan - Bamako/ Kouroussa - Bamako.
  3. Study of the Trans - Sahelian railway.
  4. Technical and Economic feasibility studies of a Lagos - Cotonou - Lome - Accra coastal rail link.
- c. Maritime Transport
  1. Creation of free - zones at sea ports for the use of land - locked countries.

2. Study of the establishment of an ECOWAS Multinational Maritime Transport Company.
3. Study of harbour operations, formalities and customs documents.
4. Study of harbour stocking and warehousing.
- d. River Transport
  - Monitoring of projects for the development of inland waterways in the sub-region.
- e. Air Transport
  1. Harmonisation and simplification of airport formalities.
  2. Study of cooperation between Air Transport Companies of ECOWAS Member States and the possibility of establishing an ECOWAS Air Company.
  - f. Multi-modal Transport
    - Establishment of a Regional Institute of Transport
- B. LONG-TERM PROGRAMME**
  - a. Road Transport
    - Realisation of the Trans-West African NOUAKCHOTT - DAKAR - N'DJAMENA and LAGOS - NOUAKCHOTT road network
  - b. Rail Transport
    1. Realisation of the Upper Volta - Niger - Togo and Upper Volta - Mali rail link.
    2. Realisation of the Kankan - Bamako or Kouroussa - Bamako rail link.
    3. Realisation of the Trans-Sahelian Railway.
    4. Realisation of the Lagos - Cotonou - Lome - Accra Coastal rail link.
  - c. Air Transport
    - Study of the market potential of ECOWAS exports by air.
  - d. Maritime Transport
    - Study of a regional scheme for port shipment.

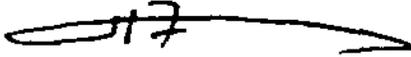
Article 2 The Executive Secretary is authorised to take all necessary measures for the execution of the Transport Programme mentioned in Article 1.

Article 3 This Decision shall enter into force upon signature and shall be published in the Official Journal of the Community and

in the National Gazette of the respective Member States.

Done at Lome on this 28 day of May 1980, in single original in the English and French Languages, both texts being equally authentic.

For the Authority



The Chairman

**A/DEC21/5/80 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE ESTABLISHMENT OF A SPECIAL FUND FOR TELECOMMUNICATIONS**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**

MINDFUL of Article 5 of ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions:

**DECIDES**

**ESTABLISHMENT OF A SPECIAL FUND FOR TELECOMMUNICATIONS**

Article 1 There shall be established for the Telecommunications Administrations of Member State, a Special Fund for Telecommunications hereinafter referred to as Special Fund.

Article 2 This Special Fund shall be and remain annexed to the ECOWAS Fund for Compensation, Co-operation and Development.

**OBJECTIVES OF THE SPECIAL FUND**

Article 3 i. The Special Fund shall guarantee loans requested by Member States with a view to improving and developing their Telecommunications networks.

ii. The Special Fund shall grant subventions to Member States which shall apply for such subventions for the improvement and maintenance of the equipment of their Telecommunications networks (training and refresher courses for technicians; procurement of spare parts and measure instruments).

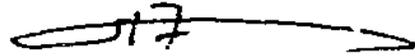
**MISCELLANEOUS PROVISIONS**

Article 4 The modalities for the management and financing of the Special Fund shall be determined.

Article 5 The present decision shall enter into force from the date of signing it and shall be published in the Official Journal of the Community and the Official Gazettes of Member States.

Done at Lome on this 28th day of May, 1980 in single original copy in English and French Languages: both texts being equally authentic.

For the Authority



The Chairman

**A/DEC22/5/80 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE CREATION OF AN INFORMATION SERVICE AND THE HARMONISATION OF THE MARKETS WITHIN THE SUB-REGION**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**

MINDFUL of Article 5 of the Treaty of ECOWAS establishing the Authority of Heads of State and Government, and defining its composition and functions,

**DECIDES**

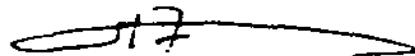
Article 1 The establishment of an information service centre for the harmonisation of market conditions within ECOWAS for the purpose of developing trade in current and future agricultural surpluses.

Article 2 The role of this centre shall be the supply of information on the markets of shortages or surpluses in the Sub-Region, the dissemination of the prices of Community food-stuffs and other market information on the import and export needs within ECOWAS.

Article 3 This centre shall be attached to the Trade, Customs, Immigration, Monetary and Payments Department.

Done at Lome on this 28th May, 1980 in single original in the English and French Languages both texts being equally authentic.

For the Authority



The Chairmen

**(b) DECISION OF THE COUNCIL OF MINISTERS****C/DEC1/5/79 DECISION OF THE COUNCIL OF MINISTERS RELATING TO THE ECOWAS FEDERATION OF CHAMBERS OF COMMERCE**

The Council decided that for the meantime the ECOWAS Federation of Chambers of Commerce should be accorded observer status. The Executive Secretary was, however, requested to look into the prospect of granting the Federation a higher status in future.

**C/DEC2/S/79 DECISION OF THE COUNCIL OF MINISTERS ON CUSTOMS LEGISLATION**

In view of the harmonisation exercise currently going on among some member countries and the difficulty in submitting the various customs legislations of Member States to the Secretariat, between now and May 28th 1979. The Council decided to recommend to the Authority to make 1st July, 1979, the deadline for submission of all the relevant customs legislations to the Secretariat.

**C/DEC3/5/79 DECISION OF THE COUNCIL OF MINISTERS ON MATTERS RELATING TO ECOWAS RULES OF ORIGIN**

The Council decided to adopt the recommendations of the Trade, Customs, Immigration, Monetary and Payments Commission contained under sub-sections (a), (b), (c) and (d) with minor amendments to (b), dealing with "Modification of Articles I, II (c) and II (2) of the Protocol relating to originating products. The Council also decided that the definition of value-added in the French text of the Protocol relating to originating product should be aligned with the English text which was found to be more in the overall interest of the Community.

**C/DEC4/5/79 DECISION OF THE COUNCIL OF MINISTERS ON THE DRAFT PROTOCOL ON THE FREE MOVEMENT OF PERSONS, RIGHT OF RESIDENCE AND ESTABLISHMENT**

The Council decided to recommend the draft Protocol to the Authority for signature.

**C/DEC5/5/79 DECISION OF THE COUNCIL OF MINISTERS ON THE TELECOMMUNICATIONS PROGRAMME**

The Telecommunications Programme was presented by the Transport, Telecommunications and Energy Commission was endorsed by Council. The Executive Secretary was requested to work in collaboration with the Managing Director of the Fund in seeking the requisite funds for the implementation of the programme. A report was to be made to Council at a later date.

**C/DEC8/11/79 DECISION OF THE COUNCIL OF MINISTERS ON THE APPOINTMENT OF MR. ROBERT TUBMAN AS THE NEW MANAGING DIRECTOR OF THE FUND**

The Council was informed of the nomination and provisional appointment of Mr. Robert Tubman as the new Managing Director of the Fund in succession to Dr. Romeo Horton. The Council confirmed his appointment.

**C/DEC7/11/79 DECISION OF THE COUNCIL OF MINISTERS ON THE TRADE LIBERALIZATION PROGRAMME, COMMERCIAL COOPERATION AND RELATED PROBLEMS**

On the recommendations of the Trade, Customs, Immigration, Monetary and Payments Commission the Council:

- i. Adopted the ECOWAS Nomenclature and decided that it should come into force on 1st January, 1981.
- ii. Adopted the Statistical Standards and stipulated that it should come into force on 1st January, 1981.
- iii. Decided to recommend to the Heads of State and Government the extension of the provisions of the Protocol relating to the re-exportation within ECOWAS of goods imported from third countries to originating products. The Council endorsed the proposed procedure for re-imburement of duties and taxes paid at the time of first importation on re-exported goods.
- iv. Adopted the proposal on the Commission relating to the setting up of an Ad hoc Committee to prepare an ECOWAS Convention on Inter-State Road Transit.

**C/DEC8/11/79 DECISION OF THE COUNCIL OF MINISTERS ON THE TRADE LIBERALIZATION OF UNPROCESSED PRODUCTS**

The Council endorsed the proposal that the English and French texts of Article V (f) of the Protocol on the definition of the concept of goods originating from Member States should be realigned and the French text be improved upon. The Council endorsed the following recommendations of the Commission:

- i. total exoneration of duties and taxes
- ii. free movement of these products without any quantitative restriction to be supervised by Economic Operators at the point of entry.
- iii. absence of compensation for loss of income resulting from the importation of these products.

Benin and Cabo Verde reserved their positions on the proposed absence of compensation for loss of income resulting from the importation of these products. The Council took due note of the reservations and requested the Executive Secretary to make an assessment of the possible effects of the implementation of each of the measures which had been adopted.

- i. Harmonisation of national plans
- ii. Giving priority to self-sufficiency in food production
- iii. Locating regional industries in each Member State, giving priority to the least developed Member States,

iv. Progressively finding a solution to the general problem of development, starting with self-sufficiency in food production and taking into account the following order of priority:

- a. food production industries
- b. agro-chemical industries
- c. agricultural machines
- d. construction material industries
- e. wood industries
- f. electronic and telecommunication industries
- g. petro-chemical industries
- h. pharmaceutical industries
- i. iron and steel industries
- j. automobile and related industries

**C/DEC9/11/79 DECISION OF THE COUNCIL OF MINISTERS ON THE TELECOMMUNICATIONS PROGRAMME**

The Council approved, the following three items of the report of Directors of Telecommunications:

- i. Routing plan which would ensure the profitability of investments to be undertaken;
- ii. The principle of a uniform tariff in all Member States;
- iii. The principle of the creation of a Special Mutual Aid Fund with a view to assisting Member States in the development of their telecommunications network and ensuring its maintenance.

**C/DEC10/11/79 DECISION OF THE COUNCIL OF MINISTERS RELATING TO BUDGETARY APPROPRIATIONS**

The Council approved the Executive Secretariat's Budget of 4,909,001 U.A. for 1980 as presented by the Committee of Finance Experts and approved a further sum of US \$2,250,000 for the Telecommunications Programme.

**C/DEC11/11/79 DECISION OF THE COUNCIL OF MINISTERS ON THE FACILITIES AT HEAD-QUARTERS**

The Executive Secretary was requested to obtain from the host countries of the Headquarters of the Community and of the Fund, confirmation of their obligations towards the Community.

**C/DEC12/11/79 DECISION OF THE COUNCIL OF MINISTERS ON THE CONDITIONS OF SERVICE OF AUXILIARY STAFF**

The Council approved the requested upward adjustment of these salary scales of staff in the M category to reflect the increases in salary of this set of public servants recently effected by the Nigerian authorities.

**C/DEC13/11/79 DECISION OF THE COUNCIL OF MINISTERS ON THE POST ADJUSTMENT SCHEME**

The Council approved, in principle, the adoption of a Post Adjustment Scheme, but requested the Secretariat for the financial implications of the Scheme before approving its implementation.

**C/DEC14/11/79 DECISION OF THE COUNCIL OF MINISTERS ON THE REVISION OF THE FEE FOR THE EXTERNAL AUDITOR**

The Council agreed that its Chairman should negotiate, on the basis of documents to be furnished by the Executive Secretary a new fee with the External Auditor and submit a firm proposal to the next session of the Council of Ministers. The Council was of the opinion that the External Auditor had had to put in additional effort which was not fully compensated by his fees.

**C/DEC1/5/80 DECISION OF THE COUNCIL OF MINISTERS RELATING TO THE SEGREGATION OF MATERIALS (ARTICLE VII OF THE PROTOCOL RELATING TO THE DEFINITION OF THE CONCEPT OF PRODUCTS ORIGINATING FROM MEMBER STATES)**

**THE COUNCIL OF MINISTERS**

MINDFUL of Article 6 of the ECOWAS Treaty establishing the Council of Ministers and determining its composition and functions;

MINDFUL of Article VII of the Protocol relating to the definition of the concept of products originating from Member States;

**DECIDES**

**Article 1** In order to ensure that there is not more of any goods considered to be originating than if the producer were able to segregate physically the materials used in the production process and in order to be able to efficiently check facts stated on the Certificate of Origin, industrial enterprises producing goods eligible for Community originating status shall adopt an accounting system which makes possible a distinction between the quantity of originating and non-originating materials used in the production of any given goods.

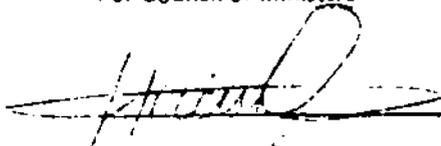
**Article 2** The Accounting system shall provide for the following information:

- date of receipt and date of release for use of the material;
- characteristics of the material;
- quantity or volume of the material;
- reference period

**Article 3** The present Decision shall come into force upon signature and shall be published in the Official Journal of the Community and the National Gazette of each Member State.

Done at Lome on the 25th May, 1980 in single original in the English and French Languages, both texts being equally authentic.

For Council of Ministers



The Chairman

**C/DEC2/5/80 DECISION OF THE COUNCIL OF MINISTERS RELATING TO RULES APPLICABLE TO MIXTURES (ARTICLE VIII OF THE PROTOCOL RELATING TO THE DEFINITION OF THE CONCEPT OF ORIGINATING PRODUCTS)**

**THE COUNCIL OF MINISTERS**

MINDFUL of Article 6 of the Treaty establishing the Council of Ministers and defining its composition and functions:

MINDFUL of Article VIII of the Protocol relating to the definition of the concept of products originating from Member States

**DECIDES**

**Article 1** — In the case of particular products resulting from the mixing of goods originating from Member States and goods not so originating as provided under subsection 2 of the said Article, the Council of Ministers shall prescribe, upon request from Member States and on the recommendation of the Commission, the conditions under which the particular product may be accepted as originating from the Community. The Council may also specify whether only part or whole of the product may be granted Community originating status.

**Article 2** — The present Decision shall come into force upon signature and shall be published in the Official Journal of the Community and the National Gazette of each Member State.

Done at Lome on 25th May, 1980 in single original in the English and French Languages: both texts being equally authentic.

For Council of Ministers



The Chairman

**C/DEC3/5/80 DECISION OF THE COUNCIL OF MINISTERS RELATING TO THE PROOF AND THE VERIFICATION OF THE COMMUNITY ORIGIN OF PRODUCTS AND PROCEDURES RELATING TO THE CIRCULATION OF GOODS WITHIN THE COMMUNITY**

**THE COUNCIL OF MINISTERS**

MINDFUL of Article 8 of the Treaty establishing the Council of Ministers and defining its composition and functions,

**DECIDES**

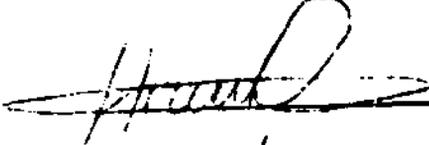
Article 1 The Member States hereby undertake to apply the rules relating to the Proof and the Verification of the Community Origin as well as the procedures applicable to the movement of products within the Economic Community of West African States (ECOWAS) which have been defined in the document annexed to this Decision.

Article 2 The Executive Secretary shall take all necessary measures to ensure that the above-mentioned Rules are effectively implemented by the Member States.

Article 3 The present Decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

Done at Lome on 25th May, 1980 in single original in the English and French Languages: both texts being equally authentic.

For Council of Ministers



The Chairman

**C/DEC4/5/80 DECISION OF THE COUNCIL OF MINISTERS RELATING TO STUDIES EMANATING FROM THE TRADE LIBERALIZATION PROGRAMME**

**THE COUNCIL OF MINISTERS**

WHEREAS the decision taken during the meeting of the Council of Ministers in November, 1979 relating to the total abolition of all barriers to trade in agricultural products,

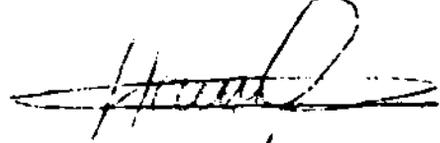
AFTER HAVING examined the issues involved in the liberalization of intra-Community trade in industrial products,

DIRECTS the EXECUTIVE SECRETARY that prior to the implementation of Resolution No. 29 on the Trade Liberalization Programme scheduled to be implemented in May, 1981, the Executive Secretariat carries out the studies set out below and present the reports to the next Council of Ministers Meeting in November, 1980:

- i. the effect of the Trade Liberalization Programme on the Member States who belong to both CEAO and ECOWAS;
- ii. definition of the status of Community enterprises and legal framework by the Industry, Agriculture and Natural Resources Commission;
- iii. classification of import duties and taxes as well as indirect internal taxes and duties.

Done at Lome on the 25th May, 1980, in single original in the English and French Languages, both texts being equally authentic.

For Council of Ministers



The Chairman