

**ASSOCIATION AGREEMENT**  
**concerning the accession of Mauritius to the Yaoundé Convention (1969)**

HIS MAJESTY THE KING OF THE BELGIANS,  
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,  
THE PRESIDENT OF THE FRENCH REPUBLIC,  
THE PRESIDENT OF THE ITALIAN REPUBLIC,  
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,  
HER MAJESTY THE QUEEN OF THE NETHERLANDS,

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

THE COUNCIL OF THE EUROPEAN COMMUNITIES,  
on the one hand, and

HER MAJESTY THE QUEEN OF MAURITIUS,  
on the other hand,

HAVING REGARD to the Treaty establishing the European Economic Community, hereinafter called 'the Treaty', and in particular Article 238 thereof,

HAVING REGARD to the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, signed at Yaoundé on 29 July 1969 and hereinafter called 'the Convention of Association', and in particular Article 60 (3) thereof,

WHEREAS Mauritius has applied to accede to the Convention of Association,

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

HIS MAJESTY THE KING OF THE BELGIANS:

Mr DE COEYER,  
Belgian Ambassador in Nairobi;

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY:

Dr Axel HERBST,  
Ambassador;

THE PRESIDENT OF THE FRENCH REPUBLIC:

Mr Yvon BOURGES,  
State Secretary, Ministry of Foreign Affairs;

THE PRESIDENT OF THE ITALIAN REPUBLIC:

Mr Mario PEDINI,  
Deputy State Secretary, Ministry of Foreign Affairs;

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG:

Mr Gaston THORN,  
Minister for Foreign Affairs;

HER MAJESTY THE QUEEN OF THE NETHERLANDS:

Mr Th. E. WESTERTERP,  
State Secretary, Ministry of Foreign Affairs;

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Mr Gaston THORN,  
President in Office of the Council;

Mr Jean-François DENIAU,  
Member of the Commission;

HER MAJESTY THE QUEEN OF MAURITIUS:

Sir Seewoosagur RAMGOOLAM,  
Prime Minister;

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

HAVE AGREED AS FOLLOWS:

#### *Article 1*

1. This Agreement establishes an association between the Community and Mauritius and provides for the accession of the latter to the Convention of Association.

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

#### *Article 2*

1. Customs duties and charges having equivalent effect on imports of products originating in the Community shall be abolished by Mauritius progressively. To this end, products originating in the Community shall, in accordance with the following procedure, be imported into Mauritius at the preferential rate of customs duty applicable to products imported from the Commonwealth:

the difference between the general rate of customs duty applicable on the date of entry into force of this Agreement to products originating in the Community and the preferential rate of customs duty applicable on the same date to products originating in the Commonwealth shall be eliminated on the first day of the month following the date of entry into force of the Agreement if that difference is equal to or less than 10 % of the customs value of the imported goods;

if the difference is more than 10 % of the customs value of the imported goods, it shall be eliminated according to the following timetable:

- (i) on the first day of the month following the date of entry into force of the Agreement, elimination of a part of the difference between the two tariffs equal to at least 10 % of the customs value of the imported goods;
- (ii) by 31 December 1974 at the latest, elimination of the difference remaining between the two tariffs following the reduction laid down in (i).

2. The amendments to the customs tariff of Mauritius shall apply to all the headings and subheadings of that tariff where there exists a difference between the general rate of customs duty and the preferential rate of customs duty whatever the basis of assessment and the mode of levying the duties may be.

However, amendments affecting headings and subheadings of the tariff which in the general tariff and in the preferential tariff are subject to a specific duty or to an *ad valorem* duty with minimum specific charge, shall be made by 31 December 1974 at the latest.

#### *Article 3*

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

#### *Article 4*

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.

The instruments of ratification and the act of notification of the conclusion of the Agreement shall be deposited with the Secretariat of the Council of the European Communities, which shall give notice thereof to the Signatory States.

#### *Article 5*

This Agreement shall enter into force on the first day of the month following the date on which the instruments of ratification of the Member States and of Mauritius, and the act of notification of the conclusion of the Agreement by the Community, have been deposited.

#### *Article 6*

The Protocols annexed to this Agreement shall form an integral part thereof.

#### *Article 7*

This Agreement, drawn up in a single original in the German, English, French, Italian, and Dutch languages, each of these texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities, which shall transmit a certified copy to the Government of each of the Signatory States.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signature below this Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente Accordo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder dit Akkoord hebben gesteld.

Geschehen zu Port Louis (Mauritius) am zwölften Mai neunzehnhundertzweiundsiebzig

Done at Port Louis (Mauritius) on the twelfth day of May in the year one thousand nine hundred and seventy-two

Fait à Port Louis (Ile Maurice), le douze mai mil neuf cent soixante-douze

Fatto a Port Louis (Maurizio), il dodici maggio millenovecentosettantadue

Gedaan te Port Louis (Mauritius), de twaalfde mei negentienhonderd tweeënzeventig

Pour Sa Majesté le roi des Belges,  
Voor Zijne Majesteit de Koning der Belgen,



Für den Präsidenten der Bundesrepublik Deutschland,



Pour le président de la République française,



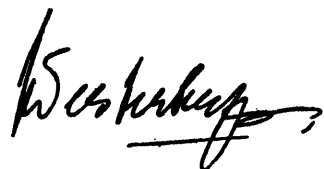
Per il Presidente della Repubblica italiana,



Pour Son Altesse Royale le grand-duc de Luxembourg,



Voor Hare Majesteit de Koningin der Nederlanden,




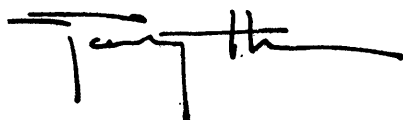
Im Namen des Rates der Europäischen Gemeinschaften,

For the Council of the European Communities,

Pour le Conseil des Communautés européennes,

Per il Consiglio delle Comunità europee,

Voor de Raad der Europese Gemeenschappen,



Mit dem Vorbehalt, daß für die Europäische Wirtschaftsgemeinschaft erst dann endgültig eine Verpflichtung besteht, wenn sie den anderen Vertragsparteien notifiziert hat, daß die durch den Vertrag zur Gründung der Europäischen Wirtschaftsgemeinschaft vorgeschriebenen Verfahren stattgefunden haben.

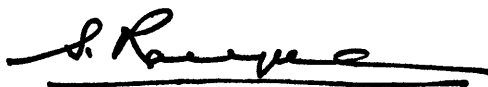
Provided that the European Economic Community shall be finally bound only after the other Contracting Parties have been notified that the procedures required by the Treaty establishing the European Economic Community have been completed.

Sous réserve que la Communauté économique européenne ne sera définitivement engagée qu'après notification aux autres parties contractantes de l'accomplissement des procédures requises par le traité instituant la Communauté économique européenne.

Con riserva che la Comunità economica europea sarà definitivamente vincolata soltanto dopo notifica alle altre Parti contraenti dell'espletamento delle procedure richieste dal Trattato che istituisce la Comunità Economica Europea.

Onder voorbehoud dat de Europese Economische Gemeenschap eerst definitief gebonden zal zijn na kennisgeving aan de andere Overeenkomstsluitende Partijen van de vervulling der door het Verdrag tot oprichting van de Europese Economische Gemeenschap vereiste procedures.

For Her Majesty the Queen of Mauritius



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**PROTOCOL No 1****concerning the implementation of Article 2 (2) of the Convention of Association**

## THE HIGH CONTRACTING PARTIES

Have agreed upon the following provisions, which are annexed to the Association Agreement:

The Community recognizes the importance of the production and export of sugar for the economy of Mauritius and its future development.

On this point, the Contracting Parties are mindful of the terms of Protocol No 22 on relations between the European Economic Community and the Associated African and Malagasy States and also the independent developing Commonwealth countries situated in Africa, the Indian Ocean and the Caribbean, this Protocol being annexed to the Act concerning the Conditions of Accession and the Adjustments to the Treaties. This Act is annexed to the Treaty concerning the accession of the Kingdom of Denmark, Ireland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community, signed in Brussels on 22 January 1972. The Protocol states, in particular, that the Community will have as its firm purpose the safeguarding of the interests of all the countries referred to therein whose economies depend to a considerable extent on the export of primary products, and particularly of sugar.

The Contracting Parties have further taken note of the provisions of Protocol No 17 on the import of sugar by the United Kingdom from the exporting countries and territories referred to in the Commonwealth Sugar Agreement. This Protocol is also annexed to the above Act and states that the United Kingdom is authorized to import from Mauritius until 28 February 1975, on special terms, the quantity of sugar within the negotiated price quota under the Commonwealth Sugar Agreement.

In consideration of these provisions, it is agreed that the Community shall, while the Convention of Association is in force, refrain from introducing special treatment under Protocol No 1 annexed to the Convention of Association for imports of sugar originating in Mauritius.

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**PROTOCOL No 2****concerning the transitional arrangements for the issue of certificates of origin**

## THE HIGH CONTRACTING PARTIES

Have agreed upon the following provisions, which are annexed to the Association Agreement:

Goods which conform to the provisions of the decisions of the Association Council on the concept of 'originating' products and which, on the date of entry into force of the Agreement, are being transported, or are held in a Member State or in Mauritius under temporary warehouse procedure, in bonded warehouses or in free zones (including free ports and free entrepôts) may be allowed to benefit from the provisions of the Agreement, subject to the submission to the Customs authorities of the importing country, within four months of the said date, of:

(a) a certificate A.Y.1 issued retroactively by the Customs authorities of the exporting country, or

(b) a certificate of origin issued by the competent authorities of that country,

and, in either case, any documents that provide supporting evidence of direct transport.

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## FINAL ACT

The Plenipotentiaries of

HIS MAJESTY THE KING OF THE BELGIANS,  
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,  
THE PRESIDENT OF THE FRENCH REPUBLIC,  
THE PRESIDENT OF THE ITALIAN REPUBLIC,  
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,  
HER MAJESTY THE QUEEN OF THE NETHERLANDS,  
THE COUNCIL OF THE EUROPEAN COMMUNITIES,  
on the one hand, and of

HER MAJESTY THE QUEEN OF MAURITIUS,  
on the other hand,

being assembled on 12 May 1972, at Port Louis (Mauritius) for the purpose of signing an Association Agreement concerning the accession of Mauritius to the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community, have adopted the following texts:

the Association Agreement concerning the accession of Mauritius to the Convention of Association between the European Economic Community and the African and Malagasy States associated with that Community,

and also the following Protocols:

Protocol No 1 concerning the implementation of Article 2 (2) of the Convention of Association,

Protocol No 2 concerning the transitional arrangements for the issue of certificates of origin.

The Plenipotentiaries have approved the Declarations listed below and appearing in Annexes I to IX to the Final Act of the Convention of Association signed at Yaoundé on 29 July 1969:

1. Declaration by the Contracting Parties concerning Article 10 of the Convention of Association (Annex I)
2. Declaration by the Contracting Parties concerning petroleum products (Annex II)
3. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States concerning the fiscal and customs arrangements applicable to contracts financed by the Community (Annex III)
4. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Government of the Associated States confirming the Resolutions of the Association Council concerning financial and technical cooperation (Annex IV)

5. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States concerning the liberalization of payments (Annex V)
6. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States concerning non-discrimination between Member States in the matter of investments (Annex VI)
7. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States concerning Article 1 of Protocol No 9 on privileges and immunities (Annex VII)
8. Declaration by the Contracting Parties concerning a good offices procedure (Annex VIII)
9. Declaration by the Representatives of the Governments of the Member States and the Representatives of the Governments of the Associated States concerning the Statute of the Court of Arbitration of the Association (Annex IX)

The Plenipotentiary of Mauritius has also taken note of the Declarations listed below and appearing in Annexes X to XIV to the Final Act of the Convention of Association, signed at Yaoundé on 29 July 1969:

1. Declaration by the Representatives of the Governments of the Member States concerning nuclear products (Annex X)
2. Declaration by the Representatives of the Governments of the Member States concerning the tariff quota for imports of bananas (Annex XI)
3. Declaration by the Community concerning Article 25 of the Convention of Association and Article 9 of Protocol No 6 concerning the administration of Community aids (Annex XII)
4. Declaration by the Representative of the Government of the Federal Republic of Germany concerning the definition of German nationals (Annex XIII)
5. Declaration by the Representative of the Government of the Federal Republic of Germany concerning the application of the Convention of Association to Berlin (Annex XIV)

The Plenipotentiaries have also adopted the text of the following Declaration annexed to this Final Act:

Declaration by the Contracting Parties concerning the implementation of the decisions of the Association Council on the rules of origin of the Convention of Association (Annex I)

Furthermore, the Plenipotentiary of Mauritius has taken note of the following Declaration annexed to this Final Act:

Declaration by the Community and by the Representatives of the Governments of the Member States concerning the implementation of Title II of the Convention of Association (Annex II).



Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diese Schlußakte gesetzt.

In witness whereof, the undersigned Plenipotentiaries have affixed their signature below this final Act.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent acte final.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente Atto finale.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Slotakte hebben gesteld.

Geschehen zu Port Louis (Mauritius) am zwölften Mai neunzehnhundertzweiundsiebzig


Done at Port Louis (Mauritius) on the twelfth day of May in the year one thousand nine hundred and seventy-two

Fait à Port Louis (Ile Maurice), le douze mai mil neuf cent soixante-douze

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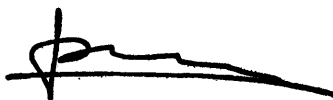
Pour Sa Majesté le roi des Belges,  
Voor Zijne Majesteit de Koning der Belgen,



Für den Präsidenten der Bundesrepublik Deutschland,



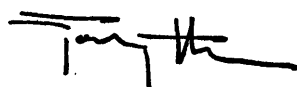
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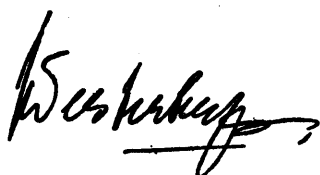
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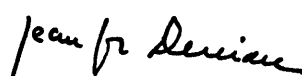
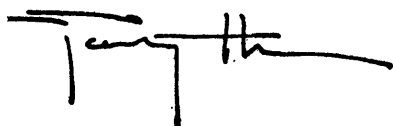
Im Namen des Rates der Europäischen Gemeinschaften,

For the Council of the European Communities,

Pour le Conseil des Communautés européennes,

Per il Consiglio delle Comunità europee,

Voor de Raad der Europese Gemeenschappen,



Mit dem Vorbehalt, daß für die Europäische Wirtschaftsgemeinschaft erst dann endgültig eine Verpflichtung besteht, wenn sie den anderen Vertragsparteien notifiziert hat, daß die durch den Vertrag zur Gründung der Europäischen Wirtschaftsgemeinschaft vorgeschriebenen Verfahren stattgefunden haben.

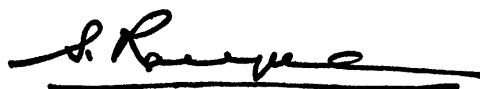
Provided that the European Economic Community shall be finally bound only after the other Contracting Parties have been notified that the procedures required by the Treaty establishing the European Economic Community have been completed.

Sous réserve que la Communauté économique européenne ne sera définitivement engagée qu'après notification aux autres parties contractantes de l'accomplissement des procédures requises par le traité instituant la Communauté économique européenne.

Con riserva che la Comunità economica europea sarà definitivamente vincolata soltanto dopo notifica alle altre Parti contraenti dell'espletamento delle procedure richieste dal Trattato che istituisce la Comunità Economica Europea.

Onder voorbehoud dat de Europese Economische Gemeenschap eerst definitief gebonden zal zijn na kennisgeving aan de andere Overeenkomstsluitende Partijen van de vervulling der door het Verdrag tot oprichting van de Europese Economische Gemeenschap vereiste procedures.

For Her Majesty the Queen of Mauritius



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*ANNEX I***Declaration by the Contracting Parties concerning the implementation of the decisions of the Association Council on the rules of origin of the Convention of Association**

1. The Contracting Parties are conscious of the importance that the export of industrial products to the Community has for the economic development of Mauritius. On this point, Mauritius, while recalling its agreement to the decisions taken by the Association Council on the definition of the concept of 'originating' products, has drawn attention to the difficulty that it would have in conforming to those decisions in respect of the export of certain such products immediately upon entry into force of the Agreement.
2. The Contracting Parties agree to study, once the Agreement has been signed, the possibility of deciding on an adjustment period, which in any event will not run beyond 31 December 1974, in order to settle those difficulties. They agree to submit the results of their work to the Association Council once the Agreement is in force.
3. The Contracting Parties have also agreed to seek measures that will allow the industries concerned to adapt to the conditions stipulated in the definition of origin with a view to improved access to the Community market for their products. To facilitate such adaptation, the Government of Mauritius may have recourse to the provisions of the Convention of Association concerning financial and technical cooperation, especially in the field of industrialization and promotion of trade.

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*ANNEX II***Declaration by the Community and by the Representatives of the Governments of the Member States concerning the implementation of Title II of the Convention of Association**

With a view to enabling Mauritius, on the entry into force of the Association Agreement, to benefit from the provisions of Title II of the Convention of Association concerning financial and technical cooperation under the same conditions as the Associated African and Malagasy States which are signatory to that Convention, the Community and the Representatives of the Governments of the Member States have agreed as follows:

1. The amount of the European Development Fund will be raised by an increase in the contributions of the Member States laid down in Article 1 (2) of the Internal Agreement on the financing and administration of Community aid, signed at Yaoundé on 29 July 1969. The amounts appearing in Article 1 (3a) will be adjusted in proportion to the increase in the amount of the Fund. The total amount of the European Development Fund thus increased will constitute a ceiling for measures financed by the Community in the Associated African and Malagasy States, including Mauritius, as a whole.
  2. As regards the implementation of Article 18 (b) of the Convention of Association, the European Investment Bank has been requested to extend to Mauritius the loan facilities that it grants from its own resources to the Associated African and Malagasy States which are signatory to that Convention of Association.
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