

69. Treaty establishing the African Economic Community [=Trattato che istituisce la Comunità economica africana. Firmato ad Abuja il 3 giugno 1991]. Testo inglese.

Storia: questo trattato è stato firmato ad Abuja il 3 giugno 1991.

Paesi aderenti: Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Camerun, Capo Verde, Ciad, Comore, Congo, Costa d'Avorio, Egitto, Etiopia, Gabon, Gambia, Ghana, Gibuti, Guinea, Guinea Bissau, Guinea equatoriale, Kenya, Lesotho, Liberia, Libia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambico, Namibia, Niger, Nigeria, Repubblica centrafricana, Rwanda, Sao Tomè e Principè, Senegal, Seychelles, Sierra Leone, Somalia, Sudan., Swaziland, Tanzania, Togo, Tunisia, Uganda, Zaire, Zambia, Zimbabwe.

Riserve, dichiarazioni, comunicazioni, obiezioni: nessuna.

Altre notizie: le lingue ufficiali sono l'arabo, il francese, l'inglese e il portoghese; il testo qui pubblicato è ripreso da *International Law Material 1991, XXX, pp. 5 e ss.*; le notizie qui fornite sono tratte dal sito OUA www.oau-oua.org.

Treaty establishing the African Economic Community

31. Elimination of Non-Tariff Barriers to Intra-Community Trade. - 1. At the level of each regional economic community and subject to the provisions of the Treaty, each Member State shall, upon the entry into force of this Treaty, progressively relax and ultimately remove quota restrictions, and all other non-tariff barriers and prohibitions which apply to exports to that State, of goods originating in the other Member States, at the latest, by the end of the third stage and in accordance with paragraph (2) of this Article. Except as otherwise provided or permitted by this Treaty, each Member State shall thereafter refrain from imposing any further restrictions or prohibitions on such goods.

2. Subject to the provisions of this Treaty, each regional economic community shall adopt a programme for the progressive relaxation and ultimate elimination, at the latest by the end of the third stage, of all quota restrictions and prohibitions and all other non-tariff barriers that apply in a Member State, to imports originating in the other Member States; it being understood that each regional economic community may subsequently decide that all quota restrictions, other restrictions and prohibitions be relaxed or removed within a shorter period than that prescribed in this paragraph.

3. The arrangements governing restrictions, prohibitions, quota restrictions, dumping subsidies and discriminatory practices shall be the subject of a Protocol concerning Non-Tariff Trade Barriers.

32. Establishment of a Common External Customs Tariff. - 1. During the third stage, Member States shall, at the level of each regional economic community, agree to the gradual establishment of a common external customs tariff applicable to goods originating from third States and imported into Member States.

2. During the fourth stage, regional economic communities shall, in accordance with a programme drawn up by them, eliminate differences between their respective external customs tariffs.

3. During the fourth stage the Council shall propose to the Assembly the adoption, at Community level, of a common customs and statistical nomenclature for all Member States.

35. Exceptions and Safeguard Clauses. - 1. Notwithstanding the provisions of Articles 30 and 31 of this Treaty, any Member State, having made its intention known to the Secretariat of the Community which shall inform Member States thereof, may impose or continue to impose restrictions or prohibitions affecting:

- (a) The application of security laws and regulations;
- (b) The control of arms, ammunitions and other military items and equipment;
- (c) The protection of human, animal or plant health or life, or the protection of public morality;

- (d) Export of strategic minerals and precious stones;
- (e) The protection of national treasures of artistic or archaeological value or the protection of industrial, commercial and intellectual property;
- (f) The control of hazardous wastes, nuclear materials, radio-active products or any other material used in the development or exploitation of nuclear energy;
- (g) Protection of infant industries;
- (h) The control of strategic product; and
- (i) Goods imported from a third country to which a Member State applies total prohibition relating to country of origin.

2. The prohibitions or restrictions referred to in paragraph 1 of this Article shall in no case be used as a means of arbitrary discrimination or a disguised restriction on trade between Member States.

3. Where a Member State encounters balance-of-payments difficulties arising from the application of the provisions of this Chapter, that Member State may be allowed by the competent organ of the Community, provided that it has taken all appropriate reasonable steps to overcome the difficulties, to impose, for the sole purpose of overcoming such difficulties, quantitative or similar restrictions or prohibitions on goods originating in the other Member States for such period as shall be determined by the competent organ of the Community.

4. For the purpose of protecting an infant or strategic industry, a Member State may be allowed by the competent organ of the Community, provided it has taken all appropriate reasonable steps to protect such industry, to impose, for the sole purpose of protecting such industry, quantitative or similar restrictions or prohibitions, on similar goods originating in the other Member States for such period as shall be determined by the competent organ of the Community.

5. Where the imports of a particular product by a Member State from another Member State increase in a way that causes, or is likely to cause, serious damage to the economy of the importing states. The latter may be allowed by the competent organ of the Community to apply safeguard measures for a specified period.

6. The Council shall keep under regular review the operation of any quantitative or similar restrictions or prohibitions imposed pursuant to paragraphs 3, and 4 of this Article and shall take appropriate action in this connection. It shall submit, each year, to the Assembly, a report on the aforementioned matters.

(omissis)