



**FORTIETH ORDINARY SESSION OF THE HEADS
OF STATE AND GOVERNMENT OF THE ECOWAS
MEMBER STATES**

Abuja, 16 to 17 February 2012

**SUPPLEMENTARY ACT A/SP.3/02/12 RELATING TO THE COMMON
RULES ON LIBERALIZATION OF MARKET ACCESS
TO GROUND HANDLING SERVICES IN AIRPORTS OF
ECOWAS MEMBER STATES**

THE HIGH CONTRACTING PARTIES,

MINDFUL of articles 7, 8 and 9 of ECOWAS revised Treaty as amended establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of article 32(1)(f) of the said Treaty which prescribes that Member States encourage co-operation in flight scheduling, leasing of aircraft and granting joint use of fifth freedom rights to airlines in the region;

MINDFUL of the Supplementary Act A/SA1/2/08 particularly article 4 adopting the Community Competition Rules and the Modalities of their application within ECOWAS;

MINDFUL of Decisions A/DEC.7/7/96 and A/DEC.6/12/03 of the Authority of Heads of State and Government on the conclusion of a Multilateral Air Transport Agreement among Member States and the Liberalization of the Air Transport Sector in West Africa respectively;

RECALLING the Convention on International Civil Aviation signed at Chicago, on the 7th December 1944 and its annexes;

MINDFUL of the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of Access to Air

60



Transport Markets in Africa adopted on the 14th of November 1999 by the African Ministers in charge of civil aviation; and endorsed by the OAU Heads of State in Lome, Togo, in July 2000;

MINDFUL also of the Memorandum of Understanding (MOU) on the implementation of the Decision on the Liberalization of Air Transport in West and Central Africa signed by 23 States of West and Central Africa on 14 November 1999;

ACKNOWLEDGING that the reports of the 3rd, 4th and 5th Meetings of Ministers responsible for Civil Aviation in West and Central Africa, noted some discrepancies in national rules and regulations concerning Slot Allocation, Denied Boarding, Ground Handling, Approval of Airline, Conditions for Market Access, Air Tariffs, Liability of Airline in case of an Accident, Rules of Competition and Exemption issued by the member States in West and Central Africa;

CONSIDERING that such disparities contradict the spirit and objectives of the Yamoussoukro Decision;

DETERMINED to address the disparities and to harmonize national legislations and regulations in matters of Air Transport Services;

DESIROUS to adopt a Common Community legal framework on the Liberalization of Market Access to Ground Handling Services at Airports of ECOWAS Member States;

ON THE PROPOSAL of the Meeting of transport Ministers held in Yamoussoukro on the 17th of September 2011;

HAVING received the opinion of the ECOWAS Parliament;

ON THE RECOMMENDATION of the Sixty-Seventh Session of the Council of Ministers held in Abuja, from 19 to 21 December 2011;

HEREBY AGREE AS FOLLOWS

Article 1: Definitions

For the purpose of this Supplementary Act, unless otherwise stated, the following terms shall have the meanings assigned to them hereafter:-

Aeronautical Authority: any governmental authority, corporate body, or organ duly authorised to perform the functions of civil aviation;

50



- 3 -

Airport: Land specifically developed for landing, take-off and aircraft movements, including subsidiary facilities for traffic requirements and aircraft operations as well as necessary installations to assist commercial air services;

Airport User: Users carrying out activities at an airport such as air carriers, air navigation services, ground handling services, forwarding agencies, passengers and any other commercial business;

Community: The Economic Community of West African States as referred to in article 2 of the ECOWAS Revised Treaty;

Council: Council of Ministers as established under article 10 of ECOWAS revised Treaty

ECOWAS Commission: ECOWAS Commission established in article 17 of the ECOWAS Revised Treaty as amended in June 2006;

Ground Handling: Services provided at an airport to a user as described in the Annex;

Ground handling service user: Individual or legal entity carrying by air, passengers, mail and/or freight/cargo from or to the airport concerned.

Managing entity of the airport: Entity which, jointly (or not) with other activities, is vested under national legislation or regulations with the administration and management of the airport infrastructure and the coordination of the activities of the various operators present at the airport of member State;

Member State: A State party to the ECOWAS Revised Treaty

Self- handling : Situation in which a user provides directly to itself one or several categories of ground handling services and has signed no contract with any third party under any name, for the purpose of providing such services.

Service provider of ground handling: Any individual or legal entity providing one or several categories of ground handling services;

Handwritten signatures and initials in blue and green ink at the bottom of the page.



- 4 -

Article 2: Purpose

The Supplementary Act aims at liberalizing access to the ground handling market in the ECOWAS member States.

Article 3: Scope

The Supplementary Act and the attached Annex shall define the rules and modalities on the liberalization of access to ground handling markets at airports in ECOWAS member States.

Article 4: Modalities of application

1. Member States shall ensure that service providers are granted free access to ground handling markets.
2. Member States shall ensure that the activity of a service provider at an airport is subject to an approval issued by the competent authority.
 - a) The criteria for granting an approval must refer to a sound financial situation, technical capability assessed according to tasks to be carried out and sufficient insurance coverage; such criteria shall also refer to the safety and security of facilities, aircraft, equipment or persons as well as environmental protection and compliance with the relevant social legislation.
 - b) The aforesaid criteria shall be made public and the service provider shall be notified before the approval procedures are initiated.
3. The approval may be refused or withdrawn if the service provider, for reasons under its control, does not meet the criteria set forth in paragraph 2 above. The reasons for such refusal or withdrawal shall be communicated in writing to the service provider concerned. In case of withdrawal, the managing entity of the airport shall be advised.

Article 5: Centralized Infrastructure

1. Member States may reserve, either to the managing entity of the airport or another entity, the management of the centralized

20

[Handwritten signatures and initials in blue and green ink]



- 5 -

infrastructure used for the provision of ground handling services and whose complexity, cost and impact on the environment do not allow

division or duplication, such as systems for baggage sorting, water purification and fuel distribution. The use of such infrastructure by service providers may be made mandatory by member States.

2. Member States shall ensure that the management of this infrastructure is transparent, objective and non-discriminatory and in particular, it should not constitute an obstacle to its access by service providers within the limitations of the present Supplementary Act.

Article 6: Separation of activities

1. The managing entity of an airport or any service provider carrying out ground handling activities, shall make a strict accounting separation in line with commercial practices, between activities relating to ground-handling and any other activity.
2. The effectiveness of such an accounting separation shall be controlled by an independent auditor appointed by the Civil Aviation Authority.
3. Each Member State shall verify the absence of financial flow between the ground handling activity and the service provider's other activities.

Article 7: Airport Users' Committee

1. After the entry into force of the present Supplementary Act, member States shall ensure that for each of the airports concerned, a Committee is established composed of users' representatives or organizations representing these users.
2. Any user shall be entitled to become a member of the above Committee and if he/she so wishes, to be represented by an organization vested with this mission.
3. The airport users' Committee shall be an advisory body. It shall give opinions on matters relating to the organization, notably on tariffs and ground handling operation.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 6 -

Article 8: Regional coordination

The Air Transport Committee shall be responsible for the regional coordination on the implementation and follow up of the present Supplementary Act.

Article 9: Selection of service providers

1. Member States shall take the necessary action to develop a procedure for the selection of service providers approved to provide ground handling services at an airport when their number is limited in cases provided for in Article 10 below.
2. This procedure shall be based on standard conditions and technical specifications that service providers should comply with. Such conditions and specifications shall be developed after consultation with the airport users' Committee.
3. The selection criteria set forth in the specifications referred to above shall be relevant, objective, transparent and non-discriminatory.
4. Any decision taken accordingly shall be notified to the ECOWAS Commission, which shall publish it in the official Journal of ECOWAS.

Article 10: Special provisions

1. When, at an airport:
 - a) the level of activity does not justify the existence of several service providers with guaranties of public service continuity;
 - b) specific constraints of space or available capacity, in particular based on congestion and utilization rate of surfaces, make impossible the liberalization of the ground handling market to the level provided for in the present Supplementary act;
 - c) specific security and safety constraints so require;

Member States may limit the number of service providers for one or several categories of ground handling services.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 7 -

3. Any decision taken pursuant to paragraph 1 above shall:

- a) specify the category (ies) of services to which an exemption is granted as well as the specific constraints of space and available capacity which justify it;
- b) be accompanied by a set of appropriate measures aimed at removing such constraints;

Furthermore, the decision shall not:

- i) prejudice the purpose of this Supplementary Act;
- ii) result in distortion of competition between service providers.
- iii) extend further than necessary.

- 3. Member States shall notify the ECOWAS Commission, at least three months before its entry into force, any decision taken pursuant to paragraph 1 of this article as well as grounds for such a decision.
- 4. The ECOWAS Commission shall conduct an in-depth examination of the decision taken pursuant to paragraph 1 this article, presented by the member State.

Article 11: Self-handling

For specific reasons, a member State may extend to self-handlers the provisions of the present Supplementary Act

Article 12: Security, Safety and Facilitation

In the implementation of the present Supplementary Act, member States shall take necessary measures to comply with the Standards and Recommended Practices of International Civil Aviation Organization (ICAO) in matters of safety, security and facilitation at airports.

[Handwritten signatures in blue and green ink at the bottom of the page.]



- 8 -

Article 13: Reciprocity

1. Without prejudice to the international commitments of ECOWAS member States, when it appears that, as regards to market access to the ground handling services or self-handling, a third country does not:
 - a) de jure or de facto, offer to air carriers of ECOWAS member States a treatment comparable to that granted by member States to users and service providers of that country, or
 - b) de jure or de facto, grant national treatment to air carriers of a member State or grants to air carriers of member States other third countries. A member State may suspend in its entirety or partly the enforcement of certain obligations stemming from this Section with respect to service providers and self-handlers of that third country in compliance with ECOWAS law.
2. The Member State concerned shall inform the ECOWAS Commission of any suspension or withdrawal of rights or obligations.

Article 14: Report and cooperation

1. Member States and the Commission shall cooperate in the enforcement of these Supplementary Acts. Information obtained through the enforcement of this Supplementary Act shall be treated as confidential.
2. The ECOWAS Commission shall present a report to the Council on the enforcement of the Supplementary Act every (2) years after their entry into force.
3. The ECOWAS Commission shall enter into cooperation with other international organizations for the purpose of implementing the present Supplementary Act.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 9 -

Article 15: Implementation of the Supplementary Act

1. The member States shall take all necessary legislative and regulatory measures for effective implementation of the present Supplementary Act.
2. The ECOWAS member States shall communicate to ECOWAS Commission any measures concerning the implementation of the present Supplementary Act.

Article 16: Amendments

1. Any Member State may submit proposal for amendment or revision of this Supplementary Act to the ECOWAS Commission.
2. Such proposed amendment shall be subject to the provisions of article 90 of the ECOWAS Treaty relating to the procedures of amendment and revision.

Article 17: Entry into Force and Publication

1. This Supplementary Act shall enter into force from the date of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.
2. It shall be published in the Official journal of the Community, within thirty (30) days of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.

Handwritten signatures and initials in blue and green ink at the bottom of the page, including the word 'F80' on the left.



Article 18: Depositary Authority

This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all member States and register same with the African Union (AU), the International Civil Aviation Organization (ICAO) and such other organizations as may be decided by the Council.

IN FAITH OF WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS SUPPLEMENTARY ACT.

DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY 2012

IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE TEXTS BEING EQUALLY AUTHENTIC

[Handwritten signatures in blue and green ink]



ANNEX: LIST OF GROUND HANDLING SERVICES

1. The administrative ground assistance and supervision shall include:

- a) Representation and liaison services with local authorities or any other person, disbursements on behalf of the user and the provision of premises to his/her representatives;
- b) loading, messages and telecommunications control;
- c) Processing, stocking, handling and management of loading units;
- d) Any other supervisory service before, during and after flight and any other administrative service requested by the user.

2. "Passenger" assistance shall include any form of assistance to departing or arriving passengers, passengers in transit or those waiting for their connecting flights, namely the control of air tickets, travel documents, baggage checking and their carriage up to the screening system.

3. "Baggage" assistance shall include baggage processing in screening rooms, their screening, their preparation with a view to departure, their loading or unloading from the systems intended to take them from the aircraft to the screening room and vice versa, as well as the baggage carriage from the screening room to the distribution room.

3. "Freight and mail" assistance shall include:

- a) for import, export or transit freight, physical freight handling, processing of documents, custom formalities or any measure of conservation agreed between parties or required by circumstances;

[Handwritten signatures and initials in blue ink at the bottom of the page]



- 12 -

- b) for mail, upon arrival and departure, physical processing of mail, document processing and measure of conservation agreed between parties or required by circumstances.

4. The "runway operations" assistance shall include:

- a) guiding the aircraft upon arrival and departure;
- b) assistance to aircraft parking and provision of appropriate means;
- c) communications between the aircraft and the service provider on air side;
- d) loading and unloading the aircraft, including provision and implementation of necessary means, the transport of passengers and crew members between the aircraft and the airport terminal as well as the carriage of baggage between the aircraft and the terminal; excluding activities coming under the responsibility of air navigation services;
- e) assistance to aircraft start and provision of appropriate means;
- f) aircraft moving upon departure and arrival, provision and implementation of necessary means;
- g) transport, loading in the aircraft and unloading of food and drinks.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 13 -

5. The "aircraft cleaning and servicing" assistance shall include:

- a) internal and external cleaning of the aircraft, the washroom service, the water service;
- b) cabin air-conditioning and heating;
- c) cabin arrangement with necessary equipment, stocking of such equipment.

6. The "fuel and oil" assistance shall include:

- a) organization and filling up fuel tank and fuel trade-in, including stocking, control of the quality and quantity of goods /items delivered;
- b) Oil filling-up and other liquid ingredients.

8. The "on line maintenance" shall include:

- a) regular operations carried out before flight;
- b) specific operations, as per the user's request;
- c) provision and management of parts and maintenance equipment;
- d) request or reservation of a parking point and/or shed for maintenance purposes.

50

[Handwritten signatures and initials in blue ink]

[Handwritten signature in blue ink]



- 14 -

9. The "air operations and crew management" assistance shall include:

- a) flight preparation at the departing airport or any other place;
- b) in-flight assistance, including in-flight change of itinerary, where necessary;
- c) after flight services;
- d) crew management.

10. The "ground transport" assistance shall include:


- a) organizing and carrying passengers, crew members, baggage, freight and mail between various terminals of the same airport, but excluding any transport between the aircraft and any other point within the perimeter of the same airport;
- b) any special transport as requested by the user.

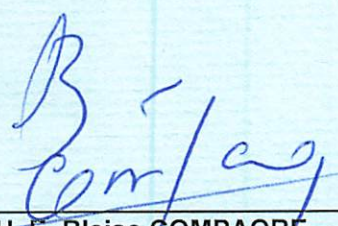
11. The "catering service" assistance shall include:

- a) liaison with service providers and administrative management;
- b) stocking food, drinks and accessories for their preparation;
- c) accessory cleaning;
- d) preparation and delivery of foodstuff and equipment.

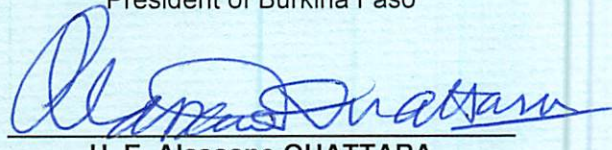
[Handwritten signatures and initials in blue and green ink at the bottom of the page.]




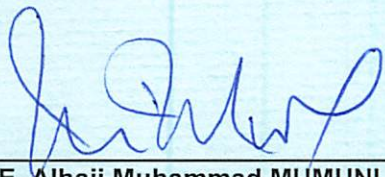

H. E. Thomas Boni YAYI
President of the Republic of Benin

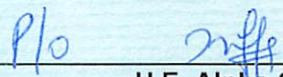

H. E. Blaise COMPAORE
President of Burkina Faso

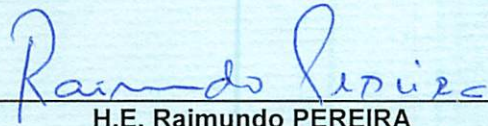
H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde

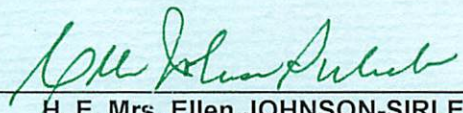

H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire

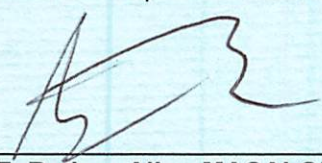

H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia

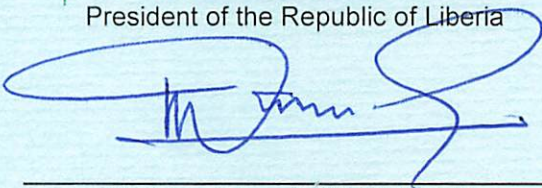

H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana

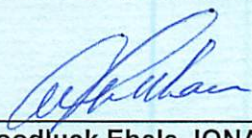

H.E. Alpha CONDE
President of the Republic of Guinea

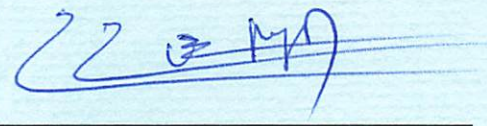

H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau


H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia

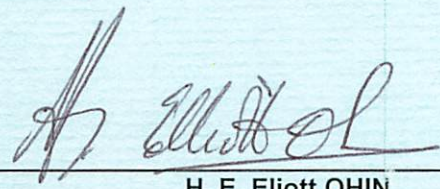

H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali


H.E. Issoufou MAHAMADOU
President of the Republic of Niger


H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS


H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal


H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone


H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic



FORTIETH ORDINARY SESSION OF THE HEADS OF STATE AND GOVERNMENT OF THE ECOWAS MEMBER STATES

Abuja, 16 to 17 February 2012

SUPPLEMENTARY ACT A/SP.4/02/12 RELATING TO THE COMMON RULES DETERMINING SLOT ALLOCATION AT AIRPORTS IN ECOWAS MEMBER STATES

THE HIGH CONTRACTING PARTIES,

MINDFUL of articles 7, 8 and 9 of ECOWAS Treaty as amended establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of article 32(1)(f) of the said Treaty which prescribes that Member States encourage co-operation in flight scheduling, leasing of aircraft and granting joint use of fifth freedom rights to airlines in the region;

MINDFUL of the Supplementary Act A/SA 1/2/08 particularly article 4 adopting the Community Competition Rules and the Modalities of their application within ECOWAS;

MINDFUL of Decisions A/DEC.7/7/96 and A/DEC.6/12/03 of the Authority of Heads of State and Government on the conclusion of a Multilateral Air Transport Agreement among Member States and the Liberalization of the Air Transport Sector in West Africa respectively;

RECALLING the Convention on International Civil Aviation signed at Chicago, on the 7th December 1944 and its annexes;

MINDFUL of the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of Access to Air Transport Markets in Africa adopted on the 14th of November 1999 by the

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 2 -

African Ministers in charge of civil aviation; and endorsed by the OAU Heads of State in Lome, Togo, in July 2000;

MINDFUL also of the Memorandum of Understanding (MOU) on the implementation of the Decision on the Liberalization of Air Transport in West and Central Africa signed by 23 States of West and Central Africa on 14 November 1999;

ACKNOWLEDGING that the reports of the 3rd, 4th and 5th Meetings of Ministers responsible for Civil Aviation in West and Central Africa, noted some discrepancies in national rules and regulations concerning Slot Allocation, Denied Boarding, Ground Handling, Approval of Airline, Conditions for Market Access, Air Tariffs, Liability of Airline in case of an Accident, Rules of Competition and Exemption issued by the member States in West and Central Africa;

CONSIDERING that such disparities are in conflict with the spirit and objectives of the Yamoussoukro Decision;

DETERMINED to address the disparities and to harmonize national legislations and regulations in matters of Air Transport Services;

DESIROUS to adopt a Common Community legal framework on Slot Allocation at Airports of ECOWAS Member States;

ON THE PROPOSAL of the Meeting of transport Ministers held in Yamoussoukro on the 17th of September 2011;

HAVING received the opinion of the ECOWAS Parliament;

ON THE RECOMMENDATION of the Sixty-seventh Session of the Council of Ministers held in Abuja, from 19 to 21 December 2011;

HEREBY AGREE AS FOLLOWS

Article 1: Definitions

For the purpose of this Supplementary Act, the following terms shall have the meanings assigned to them hereafter:-

Air Carrier: air transport enterprise operating air traffic rights to, from and within ECOWAS member States;

50 [Signatures]



- 3 -

Aeronautical Authority: any governmental authority, body, corporate or organ duly authorised to perform the functions of civil aviation;

Community: The Economic Community of West African States as referred to in article 2 of the ECOWAS Revised Treaty;

Coordinated Airport: An airport where a coordinator has been designated by the Aeronautical Authorities of a Member State to facilitate the task of air carriers that operate or contemplate to operate at that airport;

Council: Council of Ministers as established under article 10 of ECOWAS revised Treaty

Direct air service: An air service provided between two ECOWAS airports, including stopovers, with the same aircraft and same flight number;

ECOWAS Commission: ECOWAS Commission established in article 17 of the ECOWAS Revised Treaty as amended in June 2006;

Member State: A State party to the ECOWAS Revised Treaty;

New entrant: An air carrier that does not operate or has ceased to operate an air service at a coordinated airport and has requested that slot allocation(s) be granted to it at an airport for a specific day;

Schedule planning period: Summer or winter season as established in air carriers' schedule;

Slot: The estimated arrival or departure time available or allocated to an aircraft movement at a specific date at a coordinated airport as defined in this Act;

Third Countries: Any other State which is not party to the Yamoussoukro Decision.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 4 -

Article 2: Scope

This Supplementary Act shall apply to Slot Allocation at coordinated airports in ECOWAS member States.

Article 3: Qualifying criteria for a coordinated airport

1. A member State shall not be obliged to designate an airport as "coordinated airport", except in application of the provisions of the present article.

2. A member State may however decide that an airport shall be designated as a coordinated airport provided that the principles of transparency, neutrality and non-discrimination are adhered to, when:

a) air carriers represent more than half of the movements at an airport and/or when the airport authorities consider its capacity as insufficient as compared to the movements performed at certain periods of the week or day; or

b) new entrants experience serious difficulties in securing slot allocations at certain periods of the week/day; or

c) a member State deems it appropriate.

In these circumstances it shall ensure that an in-depth study on the airport capacity be conducted soonest.

Article 4: Airport Slots Coordinator

1. The Member State in charge of a coordinated airport shall, appoint an individual or legal entity from the Civil Aviation Authority experienced in coordinating the planning of the aircraft movements of air carriers and be designated as airport coordinator, after consultation or in agreement with the air carriers using regularly the airport, their representative organizations as well as the airport authorities. The same coordinator may be designated for several airports.

Handwritten signatures and initials at the bottom of the page, including "K20", "Rom Arc", and several other illegible signatures.



- 5 -

2. The Member State shall ensure that the coordinator discharges in an independent way the functions as provided for in the present Supplementary Act.
3. The coordinator shall act in compliance with the present Supplementary Act, in a neutral, transparent and non-discriminatory way.
4. The coordinator shall be responsible for slot allocations and the development of emergency procedures for slot allocations where necessary.
5. The coordinator shall monitor the use of slot allocations.
6. When slot allocations are granted, the coordinator shall prepare a report which shall be circulated to all concerned parties.

Article 5: Airport Slots Coordination Committee

1. Member States shall ensure that, at any coordinated airport, an Airport Slots Coordination Committee, chaired by the Civil Aviation Authority or administration is established for the purpose of assisting, in an advisory capacity, the coordinator referred to in Article 4 above.
2. The participation in such a Committee shall remain open, at least to air carriers and/or representative organizations and other airport users that regularly operate in the airport, concerned airport authorities and air traffic control's representatives.
3. The duties of the Airport Slots Coordination Committee shall, inter alia, be to advise on the:
 - a) possibilities to increase the determined capacity in compliance with the provisions of Article 6 below;
 - b) ways and means to enhance the traffic conditions at the airport concerned;

Handwritten signatures and initials at the bottom of the page, including "RD", "AK", and several other illegible marks.



- 6 -

- c) examination of claims with respect to slot allocations in compliance with paragraph 4 of Article 8 below;
- d) development of monitoring methods regarding the effective use of slot allocations.
- e) impacting orientations regarding slot allocations bearing in mind local conditions;
- f) analysis of the problems encountered by new entrants.

Article 6: Operational Capacity of an Airport

In an airport where slot allocation takes place, the relevant authorities shall determine based on generally accepted methods the available capacity for slot allocation purposes in cooperation with the representatives of air traffic control, the airport authorities, customs, immigration authorities, air carriers who operate and/or their representative organizations as well as the airport slots coordinator twice a year.

Article 7: Information for the Airport Slots Coordinator

The air carriers that operate or contemplate to operate air traffic rights to and from a coordinated airport shall supply the coordinator with relevant information, as requested by the coordinator.

Article 8: Procedures for Airport Slot Allocation

1. a) An air carrier applying for a slot allocation shall send the request to the Coordinator
- b) An air carrier that has operated a slot as cleared by the coordinator may claim the same slot as a priority in the next equivalent scheduling period.
- c) When all the slot requests cannot be satisfied, preference should be given to commercial air services and in particular to scheduled services and programmed non-scheduled services.

Handwritten signatures and initials at the bottom of the page, including 'Bo', 'com', 'AK', 'DSD', and several other illegible signatures.



- 7 -

- d) When a new entrant presents its first request for slots at a coordinated airport this demand shall be treated as a request for new slots. The Coordinator shall examine it taking into consideration the total requests already presented and shall ensure that this new request be satisfied at least in part in order to permit this new entrant to offer its services in addition to the existing ones.
2. If a requested slot cannot be satisfied, the coordinator shall inform the requesting air carrier of the reasons thereof and shall indicate the nearest alternative slot.
 3. Slots may be freely exchanged between air carriers or transferred by an air carrier from one route, or type of service, to another, by mutual agreement or as a result of a total or partial takeover, or unilaterally. Any such exchanges or transfers shall be transparent in accordance with article 3(2) above, and subject to prior approval by the coordinator confirming that the transaction is feasible and that it will not prejudice the airport operations.
 4. Where there are complaints about the allocation of slots, the coordination committee shall consider the matter and may make proposals to the coordinator in an attempt to resolve the problems.
 5. If the problems cannot be resolved after consideration by the coordination committee, the Member State concerned shall decide on the matter in a fair manner taking into consideration the different restrictions.
 6. An air carrier that has not used a slot as allocated to it for at least fifty percent (50%) over a period of six (6) months loses the priority of allocation for the next equivalent scheduling period.

Article 9: Reciprocity

1. Whenever it appears that a third country, with respect to the allocation of slots at airports:
 - a) does not grant ECOWAS air carriers treatment comparable to that granted by member States to air carriers from that country; or

520
[Handwritten signatures and initials in blue and green ink]



- 8 -

- b) does not grant ECOWAS air carriers de facto national treatment; or
 - c) grants air carriers from other third countries more favourable treatment than ECOWAS air carriers. Appropriate action could be initiated aimed at correcting the situation with respect to airport(s) concerned, namely through a full or partial suspension of obligations under this Supplementary Act with regard to an air carrier of that third country in compliance with applicable law.
2. Member States shall inform the ECOWAS Commission of any difficulties experienced de jure or de facto, in the slot allocation exercise at third countries.

Article 10: Report and cooperation

1. Member States and the Commission shall cooperate in the enforcement of these Supplementary Acts. Information obtained through the enforcement of this Supplementary Act shall be treated as confidential.
2. The ECOWAS Commission shall present a report to the Council on the enforcement of the Supplementary Act every two (2) years after their entry into force.
3. The ECOWAS Commission shall enter into cooperation with other international organizations for the purpose of implementing the present Supplementary Act.

Article 11: Implementation of the Supplementary Act

1. The member States shall take all necessary legislative and regulatory measures for effective implementation of the present Supplementary Act.
2. The ECOWAS member States shall communicate to ECOWAS Commission any measures concerning the implementation of the present Supplementary Act.

150

Handwritten signatures and initials in blue and green ink at the bottom of the page.



- 9 -

Article 12: Amendments

1. Any Member State may submit proposal for amendment or revision of this Supplementary Act to the ECOWAS Commission.
2. Such proposed amendment shall be subject to the provisions of article 90 of the ECOWAS Treaty relating to the procedures of amendment and revision.

Article 13: Entry into Force and Publication

1. This Supplementary Act shall enter into force from the date of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.
2. It shall be published in the Official journal of the Community, within thirty (30) days of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.

Article 14: Depositary Authority

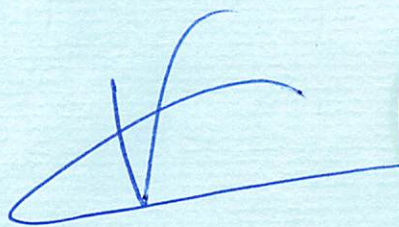
This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all member States and register same with the African Union (AU), the International Civil Aviation Organization (ICAO) and such other organizations as may be decided by the Council.

IN FAITH OF WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS SUPPLEMENTARY ACT

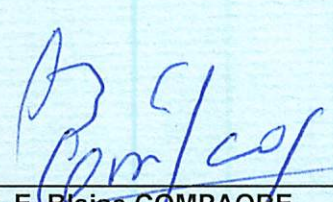
DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY 2012

IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE TEXTS BEING EQUALLY AUTHENTIC

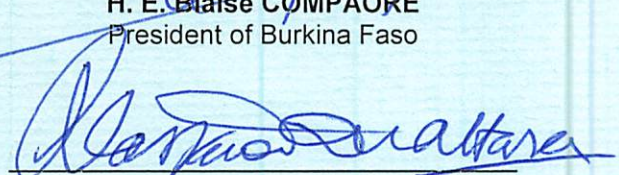
Handwritten signatures and initials in blue and green ink at the bottom of the page.




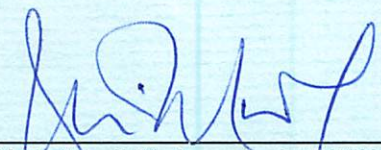
H. E. Thomas Boni YAYI
President of the Republic of Benin

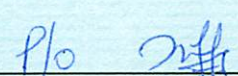

H. E. Blaise COMPAORE
President of Burkina Faso

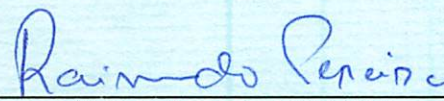
H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde


H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire

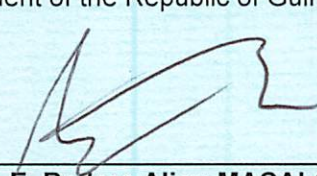

H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia

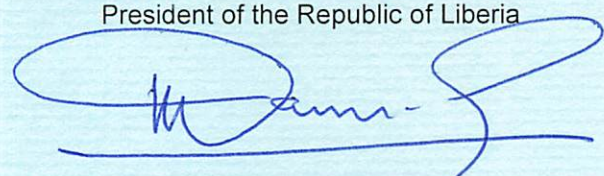

H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana

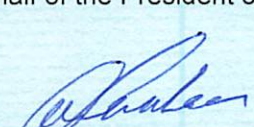

H.E. Alpha CONDE
President of the Republic of Guinea



H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau

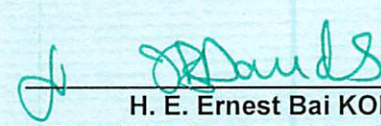

H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia

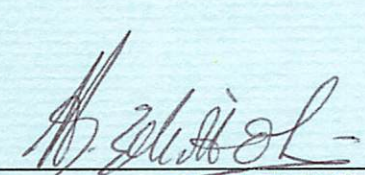

H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali


H.E. Issoufou MAHAMADOU
President of the Republic of Niger


H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS


H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal


H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone


H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic



FORTIETH ORDINARY SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Abuja, 16 to 17 February 2012

SUPPLEMENTARY ACT A/SP.5/02/12 RELATING TO THE COMMON RULES ON AIR CARRIER LIABILITY IN CASE OF ACCIDENT IN ECOWAS MEMBER STATES

THE HIGH CONTRACTING PARTIES,

MINDFUL of articles 7, 8 and 9 of ECOWAS revised Treaty as amended establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of article 32(1)(f) of the said Treaty which prescribes that Member States encourage co-operation in flight scheduling, leasing of aircraft and granting joint use of fifth freedom rights to airlines in the region;

MINDFUL of the Supplementary Act A/SA1/2/08 particularly article 4 adopting the Community Competition Rules and the Modalities of their application within ECOWAS;

MINDFUL of Decisions A/DEC.7/7/96 and A/DEC.6/12/03 of the Authority of Heads of State and Government on the conclusion of a Multilateral Air Transport Agreement among Member States and the Liberalization of the Air Transport Sector in West Africa respectively;

RECALLING the Convention on International Civil Aviation signed at Chicago, on the 7th December 1944 and its annexes;

RECALLING the Montreal Convention for the Unification of Certain Rules relating to International Carriage signed at Montreal 25 May 1999;

60

[Handwritten signatures and initials in blue and green ink]



- 2 -

MINDFUL of the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of Access to Air Transport Markets in Africa adopted on the 14th of November 1999 by the African Ministers in charge of civil aviation; and endorsed by the OAU Heads of State in Lome, Togo, in July 2000;

MINDFUL also of the Memorandum of Understanding (MOU) on the implementation of the Decision on the Liberalization of Air Transport in West and Central Africa signed by 23 States of West and Central Africa on 14 November 1999;

ACKNOWLEDGING that the reports of the 3rd, 4th and 5th Meetings of Ministers responsible for Civil Aviation in West and Central Africa, noted some discrepancies in national rules and Supplementary Acts concerning Slot Allocation, Denied Boarding, Ground Handling, Approval of Airline, Conditions for Market Access, Air Tariffs, Liability of Airline in case of an Accident, Rules of Competition and Exemption issued by the member States in West and Central Africa;

CONSIDERING that such disparities contradict the spirit and objectives of the Yamoussoukro Decision;

DETERMINED to address the disparities and to harmonize national legislations and regulations in matters of Air Transport Services;

DESIROUS to adopt a Common Community legal framework on Air Carrier Liability in Case of an Accident in ECOWAS Member States;

ON THE PROPOSAL of the Meeting of transport Ministers held in Yamoussoukro on the 17th of September 2011;

HAVING received the opinion of the ECOWAS Parliament;

ON THE RECOMMENDATION of the Sixty-seventh Session of the Council of Ministers held in Abuja, from 19 to 21 December 2011;

HEREBY AGREE AS FOLLOWS

Article 1: Definitions

For the purpose of this Supplementary Act, the following terms shall have the meanings assigned to them hereafter:-

520

for AK 3 980

V

K

7

800



- 3 -

Accident: Event connected with the use of an aircraft which occurs from the time a person boards an aircraft with the intent to travel and the time all the persons who boarded an aircraft with the same intent disembarked and during which:

- a. a person is fatally or seriously injured due to the fact that the person is:
 - i. on board of an aircraft, or
 - ii. in direct contact with any part of the aircraft, including parts that came apart, or
 - iii. directly exposed to engine blast, except for lesions resulting from natural causes or when a person wounds himself/herself or in case a person is wounded by others or injuries to a stowaway hidden outside the areas generally accessible to passengers and crew members, or
- b. the aircraft suffers damage or structural breaking up:
 - i. which impairs its characteristics of structural resistance, performance or flying capacity, and
 - ii. which should normally require major repair or replacement of the damaged component, apart from an engine breakdown or damage to the engine when damage is limited to the engine, its overturning or accessories or damage limited to propellers, wing ends, antenna, pneumatics, brakes, wheel spats or small cuts or surface perforations
- c. the aircraft disappeared or is totally inaccessible;

Aeronautical Authority: any governmental authority, corporate body, or organ duly authorised to perform the functions of civil aviation;

[Handwritten signatures and initials at the bottom of the page, including "F20", "from", "AK", "OK", "20", "K", "L", "H", "S", "A", "J", "P"]



- 4 -

Air carrier: an air carrier holding a valid approval issued by a member State in compliance with the provisions of the Supplementary Act relating to air carrier's approval;

Commercial agreement: an agreement, other than an agency agreement, made between carriers and relating to the provision of their joint services for carriage of passengers by air.

Community: The Economic Community of West African States as referred to in article 2 of the ECOWAS Revised Treaty;

Council: Council of Ministers as established under article 10 of ECOWAS revised Treaty;

ECOWAS Commission: ECOWAS Commission established in article 17 of the ECOWAS Revised Treaty as amended in June 2006;

Member State: A State party to the ECOWAS Revised Treaty;

Montreal Convention: Convention for the Unification of Certain Rules relating to International Carriage signed at Montreal 25 May 1999;

Person entitled to compensation: the traveller or any person eligible for compensation with respect to the said traveller in compliance with the applicable law;

Principal and permanent residence: the one fixed and permanent abode of the passenger at the time of the accident. The nationality of the passenger shall not be the determining factor in this regard.

SDR: Special Drawing Rights as defined by the International Monetary Fund;

Warsaw Convention: Convention for the unification of certain rules on international air transport signed in Warsaw on 12 October 1929 modified by the Protocol signed at The Hague on 28 September 1955, supplemented by the Convention signed in Guadalajara on 18 September 1961, and modified by additional Protocols Nos.1 and 2 and the Montreal Protocol No.4 signed in Montreal on 25 September 1975.

[Handwritten signatures and initials in blue ink at the bottom of the page]



Article 2: Scope

1. This Supplementary Act shall determine air carriers' obligations as regards to their liability with respect to passengers for the prejudice suffered during accidents, in case of death, injury or any other corporal lesions to a passenger whenever the accident which caused the prejudice occurred on board of an aircraft or during any embarkation or disembarkation operation in the Community's territory.
2. Furthermore, this Supplementary Act shall determine the requirements with respect to the information to be provided by air carriers to users.

Article 3: Liability level

1. An air carrier's liability for damage suffered in case of death, or bodily injury as a result of an accident during carriage by air shall not be the subject of financial limitation even if such limitation is determined by legislation, Convention or contract.
2. The insurance obligation set forth in Article 7 of the Supplementary Act establishing common rules on approval of air carriers in ECOWAS Member States relating to air carrier's approval means that any air carrier should take out insurance adequate to cover its liability set forth in paragraph 3 below and beyond for a reasonable amount.
3. The air carrier's liability shall exclude damage referred to in paragraph 1 above when the damage is higher than 100,000 Special Drawing Rights per passenger if it demonstrates:
 - a) that the damage is not caused by its negligence or any other action or oversight on the part of the carrier, its employees or agents; or
 - b) that the damage results from the negligence or any other detrimental action or oversight attributable to a third party.

detrimental action or oversight attributable to a third party.



- 6 -

4. The air carrier shall automatically apply the rules of the operator's country of origin whenever the provisions of such rules are more favourable to persons entitled to compensation than those provided for in this Supplementary Act and article 5 below.

Article 4: Mutual liability / air carrier's recourse

In case of death, or bodily injury to a passenger caused by an accident, no provision of this Supplementary Act shall be interpreted as:

- a) designating the air carrier as the only party liable for damages; or
- b) limiting an air carrier's right to claim compensation from a third party in compliance with existing law.

Article 5: Advance payment

1. With all due diligence and in any event within fifteen (15) days after the person entitled to compensation has been identified, the air carrier shall pay to that person or his/her eligible party an advance payment that would enable him/her to meet his/her immediate needs, in proportion to the material prejudice suffered.
2. Without prejudice to paragraph 1 above, such an advance shall not be higher than 15,000 SDR per traveller in case of death.
3. An advance payment shall not constitute recognition of liability and such an advance may be deducted from any amount paid at a later date in respect of the air carrier's liability; the advance cannot be refunded except for cases referred to in paragraph 2 of Article 3 above or when it has been demonstrated later that the fault of the person to whom the advance was paid is the cause of the damage suffered or has contributed to it or the person was not entitled to compensation. However, accepting such an advance is not equivalent to a transaction.

[Handwritten signature]

50

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]



- 7 -

Article 6: Information to travellers

1. Provisions of Articles 3 and 5 above shall appear in the conditions of contract of the air carrier.
2. Adequate information on the provisions of Articles 3 and 5 above shall be provided to travellers, at their request, by the air carrier's agencies, by travel agencies, check-in desks and sales points. The transport document or any equivalent document shall have a summary of the rules drafted in simple and intelligible terms.
3. Air carriers who apply more favourable conditions to users than those in Articles 3 and 5 above shall inform clearly and expressly travellers at the time of buying air tickets in the carrier's agencies, travel agencies or check-in desks located on the territory of a Member State. Air carriers shall provide travellers with a leaflet specifying their conditions. The fact that the transport document or an equivalent document indicates only that liability is limited shall not be viewed as sufficient information.

Article 7: Competent jurisdiction

1. An action for damages must be brought, at the option of the plaintiff, in the territory of one of the Member States, either before the court of the domicile of the carrier or of its principal place of business, or where it has a place of business through which the contract has been made or before the court at the place of destination.
2. In respect of damage resulting from the death or injury of a passenger, an action may be brought before one of the courts mentioned in paragraph 1 of this Article, or in the territory of a Member State in which at the time of the accident the passenger has his or her principal and permanent residence and to or from which the carrier operates services for the carriage of passengers by air, either on its own aircraft or on another carrier's aircraft pursuant to a commercial agreement, and in which that carrier conducts its business of carriage of passengers by air from premises leased or owned by the carrier itself or by another carrier with which it has a commercial agreement.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 8 -

3. Questions of procedure shall be governed by the law of the court seized of the case.

Article 8: Legal action time limit

1. To avoid forfeiture, legal proceedings shall be instituted within two (2) years from the time of arrival at destination, or from the day the aircraft should have arrived or the day air transport ceased.
2. The mode of calculation of the time limit shall be determined by the court the matter was referred to.

Article 9: Report and cooperation

1. Member States and the ECOWAS Commission shall cooperate for the implementation of this Supplementary Act.
2. The ECOWAS Commission shall present a report to the Council on the enforcement of the Supplementary Act every two (2) years after their entry into force.
3. The ECOWAS Commission shall enter into cooperation with other international organizations for the purpose of implementing the present Supplementary Act.

Article 10: Implementation of the Supplementary Act

1. The member States shall take all necessary legislative and regulatory measures for effective implementation of the present Supplementary Act.
2. The member States shall communicate to ECOWAS Commission any measures concerning the implementation of the present Supplementary Act.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 9 -

Article 11: Amendments

Any Member State may submit proposal for amendment or revision of this Supplementary Act to the ECOWAS Commission in accordance with the provisions of article 90 of the ECOWAS Treaty relating to the procedures of amendment and revision.

Article 12: Entry into Force and Publication

3. This Supplementary Act shall enter into force from the date of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.
4. It shall be published in the Official journal of the Community, within thirty (30) days of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.

Article 13: Depositary Authority

This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all member States and register same with the African Union (AU), the International Civil Aviation Organization (ICAO) and such other organizations as may be decided by the Council.


IN FAITH OF WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS SUPPLEMENTARY ACT

DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY 2012


IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE TEXTS BEING EQUALLY AUTHENTIC

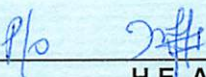
[Handwritten signatures in blue ink]




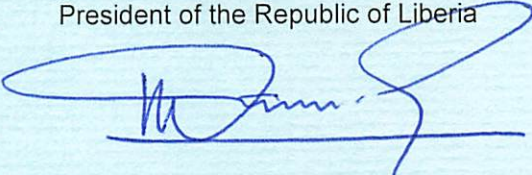

H. E. Thomas Boni YAYI
President of the Republic of Benin


H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde

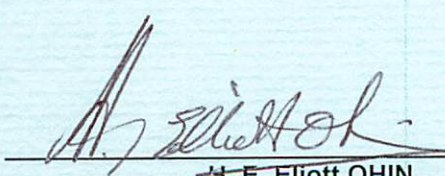

H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia

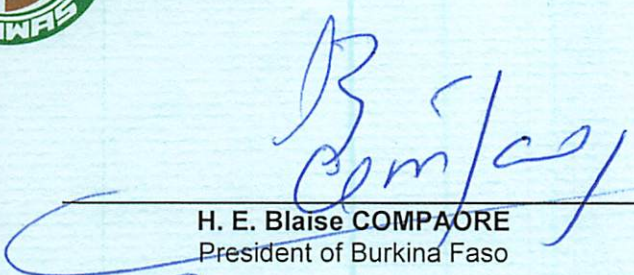

H.E. Alpha CONDE
President of the Republic of Guinea

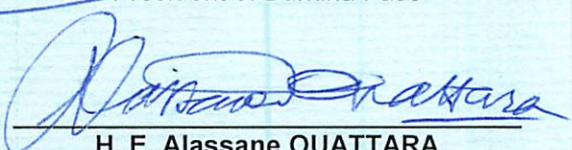

H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia

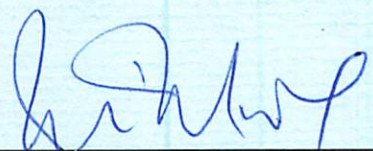

H.E. Issoufou MAHAMADOU
President of the Republic of Niger



H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal

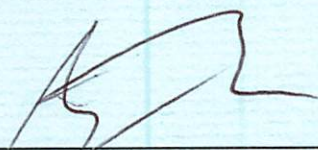

H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic

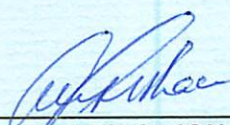

H. E. Blaise COMPAORE
President of Burkina Faso


H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire


H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana


H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau


H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali


H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS


H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone



FORTIETH ORDINARY SESSION OF THE HEADS OF STATE AND GOVERNMENT OF THE ECOWAS MEMBER STATES

Abuja, 16 to 17 February 2012

SUPPLEMENTARY ACT A/SP.6/02/12 RELATING TO THE COMMON RULES ON TARIFFS APPLICABLE TO PASSENGERS, FREIGHT AND MAIL FOR AIR TRANSPORT WITHIN, FROM AND TO ECOWAS MEMBER STATES

THE HIGH CONTRACTING PARTIES,

MINDFUL of articles 7, 8 and 9 of ECOWAS revised Treaty as amended establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of article 32(1)(f) of the said Treaty which prescribes that Member States encourage co-operation in flight scheduling, leasing of aircraft and granting joint use of fifth freedom rights to airlines in the region;

MINDFUL of the Supplementary Act A/SA1/2/08 particularly article 4 adopting the Community Competition Rules and the Modalities of their application within ECOWAS;

MINDFUL of Decisions A/DEC.7/7/96 and A/DEC.6/12/03 of the Authority of Heads of State and Government on the conclusion of a Multilateral Air Transport Agreement among Member States and the Liberalization of the Air Transport Sector in West Africa respectively;

RECALLING the Convention on International Civil Aviation signed at Chicago, on the 7th December 1944 and its annexes;

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 2 -

MINDFUL of the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of Access to Air Transport Markets in Africa adopted on the 14th of November 1999 by the African Ministers in charge of civil aviation; and endorsed by the OAU Heads of State in Lome, Togo, in July 2000;

MINDFUL also of the Memorandum of Understanding (MOU) on the implementation of the Decision on the Liberalization of Air Transport in West and Central Africa signed by 23 States of West and Central Africa on 14 November 1999;

ACKNOWLEDGING that the reports of the 3rd, 4th and 5th Meetings of Ministers responsible for Civil Aviation in West and Central Africa, noted some discrepancies in national rules and Supplementary Acts concerning Slot Allocation, Denied Boarding, Ground Handling, Approval of Airline, Conditions for Market Access, Air Tariffs, Liability of Airline in case of an Accident, Rules of Competition and Exemption issued by the member States in West and Central Africa;

CONSIDERING that such disparities contradict the spirit and objectives of the Yamoussoukro Decision;

DETERMINED to address the disparities and to harmonize national legislations and regulations in matters of Air Transport Services;

DESIROUS to adopt a Common Community legal framework on Tariffs Applicable to Passengers, Freight and Mail for Air Transport Services within, from and to ECOWAS Member States;

ON THE PROPOSAL of the Meeting of transport Ministers held in Yamoussoukro on the 17th of September 2011;

HAVING received the opinion of the ECOWAS Parliament;

ON THE RECOMMENDATION of the Sixty-seventh Session of the Council of Ministers held in Abuja, from 19 to 21 December 2011;

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 3 -

HEREBY AGREE AS FOLLOWS

Article 1: Definitions

For the purpose of this Supplementary Act, the following terms shall have the meanings assigned to them hereafter:-

Aeronautical Authority: any governmental authority, corporate body or organ duly authorised to perform this function;

Air carrier: an air transport enterprise holding a valid air operating certificate issued by an Aeronautical Authority: pursuant to the Supplementary Acts on the approval of air carriers;

Air service: any flight or series of flights carrying, subject to consideration, passengers, freight and/or mail;

Air tariff (air fare and rate) : prices expressed in any currency of a member State to be paid for the carriage of passengers ,freight and mail on an air service together with the applicable conditions of such prices, including the remuneration and conditions offered to agencies and other ancillary services;

Basic passenger tariff : a fully flexible tariff (the lowest) for one-way trip or a round trip which is offered at least to the same extent as any other fully flexible tariff offered for the same air service;

Chicago Convention: Convention on International Civil Aviation signed in Chicago on 07 December 1944 incl. all its annexes;

Capacity: The number of seat offered to the public or freight or air post service for a determined period;

Community: The Economic Community of West African States as referred to in article 2 of the ECOWAS Revised Treaty;

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 4 -

Council: Council of Ministers as established under article 10 of ECOWAS revised Treaty;

ECOWAS Commission: ECOWAS Commission established in article 17 of the ECOWAS Revised Treaty as amended in June 2006;

ICAO: International Civil Aviation Organisation a Special Agency of the United Nations headquartered in Montreal, Canada;

Member State: A State party to the ECOWAS Revised Treaty;

Member States concerned: Member States between which or a member State within which an air services is operated;

Member States involved: Member State concerned and/or member States in which air carrier(s) that operate the air service are holders of an air carrier's license;

Right of Traffic: The right for carrier to transport passenger paying freight and or courier on air links between two (2) or many airports of ECOWAS;

Standard freight tariff: Freight tariffs generally applied by the air carrier excluding the regular discount agreed among air carriers.

Article 2: Purpose and Scope

1. The present Supplementary Act shall establish the necessary criteria and procedures for setting passengers, freight and/or mail tariffs applied by air carriers operating air traffic rights within, from or to the ECOWAS Member States.
2. This Supplementary Act shall also apply to any air carrier operating traffic rights within, from or to the ECOWAS Member States.

Article 3: Air Tariff Setting

Air carriers shall freely set air tariffs applicable for the carriage of passengers, freight and mail within ECOWAS Member States.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 5 -

Article 4: Tariffs under public service obligations

The present Supplementary Act shall not be applicable to passengers, freight and mail tariffs determined under public service obligations in compliance with the Supplementary Act establishing common rules on conditions of access to air transport markets in ECOWAS Member States.

Article 5: Filing of tariffs

1. In case of tariff increase, there shall be no approval required by the aeronautical authorities of the ECOWAS Member State concerned for tariff to be charged by the designated airlines of Member States for the carriage of passengers, freight and mail. The airlines shall in this case file such tariffs before competent authorities 30 working days before they enter into effect.
2. This provision is not applicable in the case of lowering tariff which takes immediate effect according to the will of the airline.

Article 6: Tariff information

1. Air carriers operating within the Community shall make available at their headquarters, airport and sales outlets communicate their basic passengers tariffs and their standard freight tariffs to any interested passenger or shipper (individual or legal entity), at their request.
2. Air carriers operating within the Community shall include all compulsory taxes, fees and surcharges in published air ticket prices.

Article 7: Tariff suspension

1. Where a member State establishes that an Air Carrier is applying an excessively high or abnormally low fare which has no relation to the economic value of the service, it may refer the matter to the competent competition or consumer protection authorities in accordance with Supplementary Act A/SA1/2/08 adopting the

Handwritten signatures and initials at the bottom of the page, including a large signature on the left and several smaller ones on the right.



- 6 -

Community Competition Rules and the Modalities of their application within ECOWAS.

2. If within fourteen (14) days from the date of receipt of notification, neither a concerned member State, nor the Commission have notified their disapproval grounded on the criteria set forth in paragraph 1 above, the Member State which took the decision pursuant to the same paragraph, may order concerned air carriers to suspend the application of the tariff in question.
3. In case of disapproval, the Commission or any member State involved may seek consultations with the Member State concerned for the purpose of examining the situation. Such consultations shall be conducted within fourteen (14) days as a maximum from the date the consultations were requested unless otherwise agreed.
4. When consultations referred to in paragraph 3 above are not conclusive, the matter shall be submitted to the Council of Ministers who, if necessary, can rule through decision-making.

Article 8: Consultations on tariffs

1. Once a year, the ECOWAS Commission shall consult air carriers and representatives of associations of air transport users within ECOWAS on air fares and rates (tariffs) and related issues; to this end, it shall provide participants with relevant information.
2. The ECOWAS Commission shall also promote consultations under its auspices between air carriers and associations of air transport users.

Article 9: Information request

1. For the follow up of the present Supplementary Act, the ECOWAS Commission shall collect any useful information from member States and the air carriers concerned.

Handwritten signatures and initials at the bottom of the page, including "AK", "AK", and several other illegible signatures.



- 7 -

2. When the required information has not been provided within the prescribed deadline or when the information supplied is incomplete, the ECOWAS Commission shall request from the concerned aeronautical authorities to take necessary fines against the said air carriers.
3. Where the air carrier does not settle an imposed fine, the ECOWAS Commission shall request the suspension of the totality or part of the rights the air carrier has been enjoying under this Supplementary Act and the Supplementary Act establishing common rules on conditions of access to air transport markets in ECOWAS member States.
4. In the absence of a response from a State, the Commission shall take the appropriate action as provided for in the ECOWAS Treaty.

Article 10: Report and cooperation

1. Member States and the ECOWAS Commission shall cooperate for the implementation of this Supplementary Act.
2. The ECOWAS Commission shall present a report to the Council on the enforcement of the Supplementary Act every two(2) after their entry into force.
3. The ECOWAS Commission shall enter into cooperation with other international organizations for the purpose of implementing the present Supplementary Act.

Article 11: Implementation of the Supplementary Act

1. The member States shall take all necessary legislative and regulatory measures for effective implementation of the present Supplementary Act.
2. The ECOWAS member States shall communicate to ECOWAS Commission any measures concerning the implementation of the present Supplementary Act.

Handwritten signatures and initials in blue and green ink at the bottom of the page.



- 8 -

Article 12: Amendments

Any Member State may submit proposal for amendment or revision of this Supplementary Act to the ECOWAS Commission in accordance with the provisions of article 90 of the ECOWAS Treaty relating to the procedures of amendment and revision.

Article 13: Entry into Force and Publication

1. This Supplementary Act shall enter into force from the date of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.
2. It shall be published in the Official journal of the Community, within thirty (30) days of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.

Article 14: Depositary Authority

This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all member States and register same with the African Union (AU), the International Civil Aviation Organization (ICAO) and such other organizations as may be decided by the Council.


**IN FAITH OF WHEREOF, WE, THE HEADS OF STATE AND
GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST
AFRICAN STATES (ECOWAS) HAVE SIGNED THIS
SUPPLEMENTARY ACT**

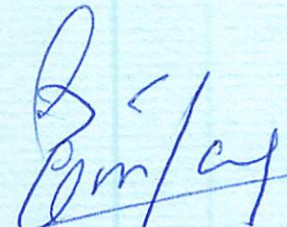
DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY 2012


**IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND
PORTUGUESE LANGUAGES, ALL THREE TEXTS BEING EQUALLY
AUTHENTIC**

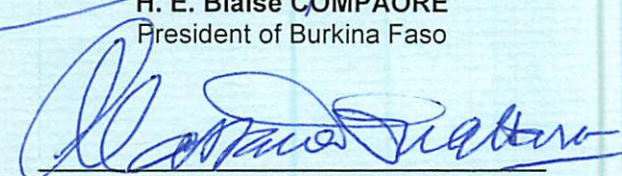
[Handwritten signatures in blue and green ink]




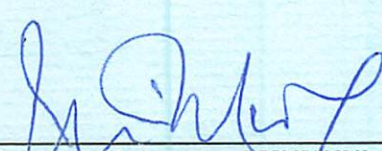

H. E. Thomas Boni YAYI
President of the Republic of Benin



H. E. Blaise COMPAORE
President of Burkina Faso

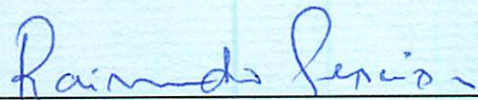

H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde

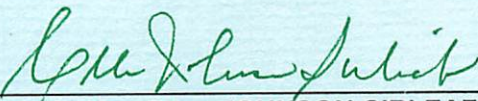

H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire

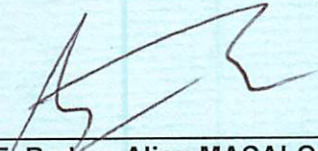

H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia

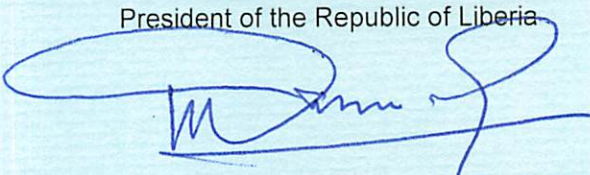

H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana

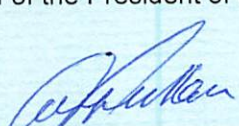

H.E. Alpha CONDE
President of the Republic of Guinea

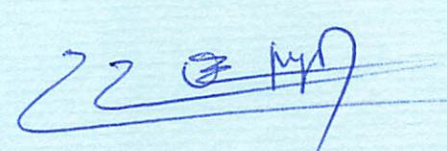

H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau

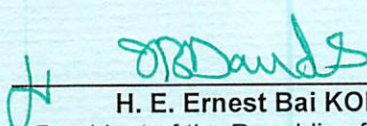

H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia


H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali


H.E. Issoufou MAHAMADOU
President of the Republic of Niger


H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS


H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal


H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone


H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic



FORTIETH ORDINARY SESSION OF THE HEADS OF STATE AND GOVERNMENT OF THE ECOWAS MEMBER STATES

Abuja, 16 to 17 February 2012

DRAFT SUPPLEMENTARY ACT A/SP.7/02/12 RELATING TO THE COMMON RULES ON COMPENSATION TO PASSENGERS IN THE EVENT OF DENIED BOARDING, CANCELLATION OR MAJOR DELAY OF FLIGHTS IN ECOWAS MEMBER STATES

THE HIGH CONTRACTING PARTIES,

MINDFUL of articles 7, 8 and 9 of ECOWAS Treaty as amended establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of article 32(1)(f) of the said Treaty which prescribes that Member States encourage co-operation in flight scheduling, leasing of aircraft and granting joint use of fifth freedom rights to airlines in the region;

MINDFUL of the Supplementary Act A/SA1/2/08 particularly article 4 adopting the Community Competition Rules and the Modalities of their application within ECOWAS;

MINDFUL of Decisions A/DEC.7/7/96 and A/DEC.6/12/03 of the Authority of Heads of State and Government on the conclusion of a Multilateral Air Transport Agreement among Member States and the Liberalization of the Air Transport Sector in West Africa respectively;

RECALLING the Convention on International Civil Aviation signed at Chicago, on the 7th December 1944 and its annexes;

50



- 2 -

MINDFUL of the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of Access to Air Transport Markets in Africa adopted on the 14th of November 1999 by the African Ministers in charge of civil aviation; and endorsed by the OAU Heads of State in Lome, Togo, in July 2000;

MINDFUL also of the Memorandum of Understanding (MOU) on the implementation of the Decision on the Liberalization of Air Transport in West and Central Africa signed by 23 States of West and Central Africa on 14 November 1999;

ACKNOWLEDGING that the reports of the 3rd, 4th and 5th Meetings of Ministers responsible for Civil Aviation in West and Central Africa, noted some discrepancies in national rules and regulations concerning Slot Allocation, Denied Boarding, Ground Handling, Approval of Airline, Conditions for Market Access, Air Tariffs, Liability of Airline in case of an Accident, Rules of Competition and Exemption issued by the member States in West and Central Africa;

CONSIDERING that such disparities are in conflict with the spirit and objectives of the Yamoussoukro Decision;

DETERMINED to address the disparities and to harmonize national legislations and regulations in matters of Air Transport Services;

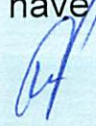




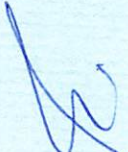
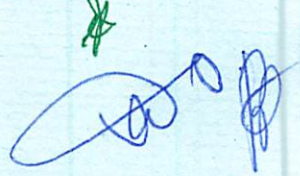
DESIROUS to adopt a Common Community legal framework on Compensations for Passengers Denied Boarding, Cancellation or Major Delay of a Flight in ECOWAS Member States;

ON THE RECOMMENDATION of the Sixty-seventh Session of the Council of Ministers held in Abuja, from 19 to 21 December 2011;

HEREBY AGREE AS FOLLOWS

Article 1: Definitions

For the purpose of this Supplementary Act, the following terms shall have the meanings assigned to them hereafter:-

FO       



- 3 -

Aeronautical Authority: any governmental authority, corporate body, or organ duly authorised to perform the functions of civil aviation;

Air carrier: An air transport enterprise operating air traffic rights to, from and within member States;

Community: The Economic Community of West African States as referred to in article 2 of the ECOWAS Revised Treaty;

Confirmed reservation: The fact that an air ticket sold by the air carrier or its authorized agent, specifies the flight number, date and time, and; contains at the appropriate box the indication "OK" or any other indication or means by which the air carrier acknowledges that it has accepted and expressly confirmed the reservation;

Council: Council of Ministers as established under article 10 of ECOWAS revised Treaty;

Denied boarding : Refusal by the air carrier to board passengers who, altogether, have a valid air ticket, a confirmed reservation for the concerned flight and have presented themselves to the check-in within the required conditions and time limits;

ECOWAS Commission: ECOWAS Commission established in article 17 of the ECOWAS Revised Treaty as amended in June 2006;

Final destination: Destination shown on the air ticket presented at check-in, or in case of successive flights, the last flight of the passenger. Connecting flights that could be performed without any difficulty even if the denied boarding resulted in a delay shall not be taken into consideration;

Member State: A State party to the ECOWAS Revised Treaty;

Overbooked flight: A flight on which the number of passengers with a confirmed reservation and present at check-in within the required time limit and conditions is higher than the number of available seats;

50

[Handwritten signatures and initials in blue and green ink]



- 4 -

Scheduled flight: A flight performed, subject to payment, with aircraft to carry passengers, freight and/or mail in such conditions that on each flight, individual seats are made available to the public, either directly by the air carrier, or by its authorized agents. It is organized for the purpose of connecting two airports or more either according to a published schedule or with such a regularity or frequency that it becomes part of an obvious systematic series;

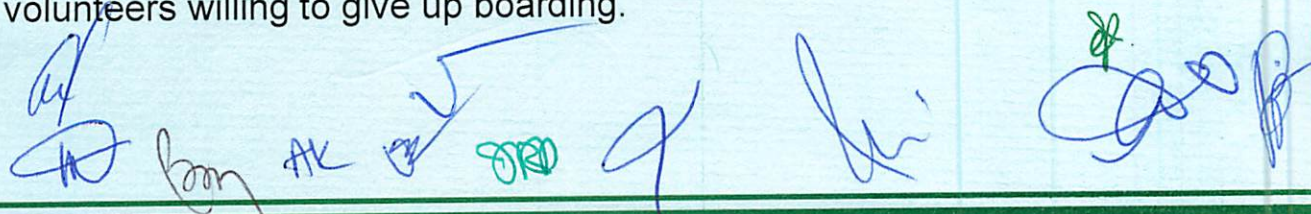
Volunteer: A person who, having a confirmed reservation and present at check-in within the required time limit and conditions, is willing to give up, at the air carrier's request, the said reservation in return for compensation.

Article 2: Scope

1. The present Supplementary Act establishes the minimum legal provisions applicable to Air Carriers and passengers in ECOWAS member States.
2. It defines and specifies the minimum rights of passengers when they are denied boarding, their flight is cancelled or delayed of a flight in ECOWAS Member States.
3. It also determines the modalities for compensation for any prejudice suffered by any passengers in ECOWAS member States regardless of the nationality of air carrier.

Article 3: Boarding rules

1. The air carrier shall determine the rules governing the boarding of passengers in the event of an overbooked flight. It shall notify such rules and their possible amendments to the concerned Aeronautical Authorities, and ECOWAS Commission, which will make them available to other member States. Such amendments, if any, shall enter into force one month after their notification by the air carriers.
2. The rules referred to in paragraph 1 above shall be made available to the public in the sales offices and check-in desks of the air carrier in a visible, accessible and readable way.
3. The rules referred to in paragraph 1 above shall provide for a call for volunteers willing to give up boarding.

120 



- 5 -

4. In any event, the air carrier operating in ECOWAS member States shall take into consideration the interests of the passengers who must be given boarding priority for legitimate reasons, such as persons with limited mobility and unaccompanied minors.

Article 4: Compensations in the event of denied boarding

1. In the event of denied boarding, the passenger shall be free to choose one of the following compensations:

- a) refund without any penalty of the air fare as soon as possible for the non-performed portion of the trip;
- b) re-routing as soon as possible to the final destination or;
- c) re-routing at a later date as the passenger deems convenient.

2. Irrespective of the passenger's choice in paragraph 1 above, the air carrier shall pay, immediately after the denied boarding, a minimum compensation equal to:

- a) Fifty (50) U.S. dollars to an Economy Class passenger and one hundred (100) U.S. dollars to a Business Class passenger for flights less than two thousand five hundred (2,500) kilometers;
- b) Two hundred (200) U.S. dollars to an Economy Class passenger and four hundred (400) U.S. dollars to a Business Class passenger for flights of two thousand five hundred (2,500) kilometers or more, based on the final destination shown on the air ticket.

3. When the carrier offers re-routing to the final destination on a flight whose arrival time does not exceed by three (3) hours the arrival time of the flight initially booked in the case of connections of less than two thousand five hundred (2,500) kilometers and by five hours in the case of connections of more than two thousand five

[Handwritten signatures and initials in blue ink at the bottom of the page, including "AK" and "g"]



- 6 -

hundred (2,500) kilometers, compensations provided for in paragraph 2 above may be reduced by the air carriers by half.

4. Distances set forth in paragraphs 2 and 3 of this article are measured based on the method of the great circle distance or orthodromic route.
5. In any event, compensation amounts shall be limited to the air fare corresponding to the final destination. Compensations shall be paid in cash or, with the passenger's consent, in travel vouchers and/or other services.
6. In the event of an overbooked flight, if a passenger accepts to travel in a class lower than that for which the ticket was bought, the passenger shall be entitled to a refund of 50% of the full fare.
7. The air carrier shall not be compelled to pay any compensation for denied boarding when a passenger travels with a free ticket or at discount fares not available to the public, directly or indirectly.
8. The air carrier shall not be compelled to pay any compensation when a passenger is denied boarding for reasons such as health, safety or security, or inadequate travel documentation.

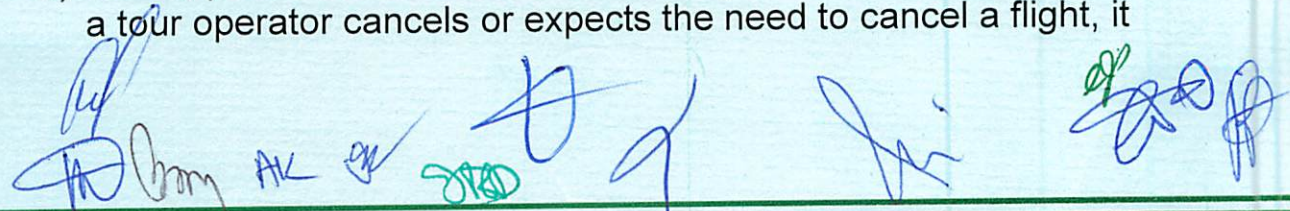
Article 5: Compensation in the context of a package tour

In case of denied boarding on a flight sold as part of a package tour, the air carrier must compensate the tour operator who shall, thereupon, compensate the passenger.

Article 6: Compensation in case of a cancelled flight

In case of a cancelled flight, the following provisions shall apply, except if the air carrier or the tour operator demonstrates that such a decision was due to circumstances for which neither its liability nor the subcontractor's liability is involved:

- a) When, prior to the scheduled initial departure time, an air carrier or a tour operator cancels or expects the need to cancel a flight, it

50 



- 7 -

shall do its utmost to contact all concerned passengers and agree with them the conditions on which they would accept to give up their confirmed reservation. At the bare minimum, passengers should have the choice between:

- i. the full refund of the air fare, at the price the ticket was bought for the non-performed portion(s) of the trip and for the portion(s) of the trip already performed and which became useless in relation to their initial travel plan as well as a return flight to their initial point of departure as soon as possible ;
 - ii. re-routing soonest to their final destination, in comparable travel conditions, or
 - iii. re-routing to their final destination in comparable travel conditions at a suitable date.
- b) For passengers with whom the carrier or the tour operator could not reach an agreement in accordance with the provisions in paragraph 1 above and who presented themselves to check-in in compliance with the provisions of Article 3, paragraph 1 above, a compensation shall be offered to them as well as assistance in case of denied boarding, as set forth in Articles 4 and 5 above.

Article 7: Compensation in the event of a major delay

1. When an air carrier or a tour operator reasonably expects that a flight will be delayed, with regard to the scheduled initial departure by three hours at least for flights of less than 2,500 kilometres and by five hours at least for flights of two thousand five hundred (2,500) kilometres or more, assistance referred to in Article 8 below shall be offered to passengers.
2. In any event, such assistance shall be proposed at the latest within three hours following the scheduled departure time for a flight of less than two thousand five hundred (2,500) kilometres and at the latest within five hours following the scheduled initial departure time in the case of a flight of two thousand five hundred (2,500) kilometres or more.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 8 -

3. When an air carrier or tour operator reasonably expects that a flight will be delayed by three hours or more with respect to the scheduled initial departure time, it shall offer immediately to disabled passengers and their accompanying persons as well as other passengers with limited mobility and unaccompanied children the necessary assistance in compliance with the provisions of Article 8 below as well as any other form of assistance necessary for and meeting the specific needs of these passengers.

Article 8: Other compensations

1. In addition to minimum compensations set forth in Article 4 above, the air carrier shall further offer, free of charge, to passengers who were denied boarding:
 - a) the cost of a telephone call and/or telex/fax message or e-mail to the place of destination;
 - b) the possibility to get enough food to eat bearing in mind the waiting time,
 - c) hotel accommodation in the event passengers are delayed for one or several nights.
2. When a city or region has several airports and an air carrier proposes to a passenger who was denied boarding, to board a flight to an airport other than the airport reserved by that passenger, the travel expenses between the substitution airports or to a closer substitution destination as agreed with the passenger, shall be borne by the air carrier.

Article 9: Information to passengers

Air carriers shall provide each passenger who was denied boarding, victim of a flight cancellation or major flight delay, with a leaflet containing the rules governing financial compensations.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 9 -

Article 10: Other remedial actions

1. The provisions of the Supplementary Act shall apply without prejudice to any civil liability proceedings that could be instituted by the passenger before the appropriate courts/jurisdictions.
2. Paragraph 1 above shall not apply to volunteers as defined in Article 1 above, who accepted to receive compensation pursuant to rules set out in Article 4 above.

Article 11: Report and cooperation

1. Member States and the ECOWAS Commission shall cooperate for the implementation of this Supplementary Act.
2. The ECOWAS Commission shall present a report to the Council on the enforcement of the Supplementary Act every two (2) years after their entry into force.
3. The ECOWAS Commission shall enter into cooperation with other international organizations for the purpose of implementing the present Supplementary Act.

Article 12: Implementation of the Supplementary Act

1. The member States shall take all necessary legislative and regulatory measures for effective implementation of the present Supplementary Act.
2. The ECOWAS member States shall communicate to ECOWAS Commission any measures concerning the implementation of the present Supplementary Act.

Article 13: Amendments

1. Any Member State may submit proposal for amendment or revision of this Supplementary Act to the ECOWAS Commission.
2. Such proposed amendment shall be subject to the provisions of article 90 of the ECOWAS Treaty relating to the procedures of amendment and revision.

File

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 10 -

Article 14: Entry into Force and Publication

1. This Supplementary Act shall enter into force from the date of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.
2. It shall be published in the Official journal of the Community, within thirty (30) days of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.

Article 15: Depositary Authority

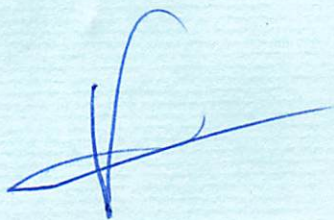
This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all member States and register same with the African Union (AU), the International Civil Aviation Organization (ICAO) and such other organizations as may be decided by the Council.

IN FAITH OF WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS SUPPLEMENTARY ACT

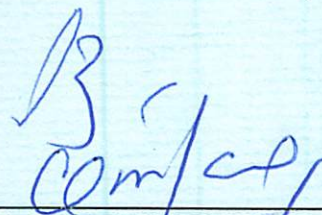
DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY 2011

IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE TEXTS BEING EQUALLY AUTHENTIC

[Handwritten signatures in blue and green ink]



H. E. Thomas Boni YAYI
President of the Republic of Benin



H. E. Blaise COMPAORE
President of Burkina Faso

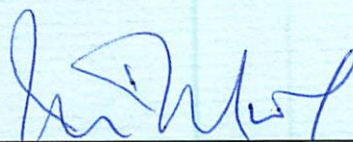
H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde



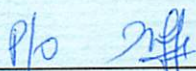
H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire



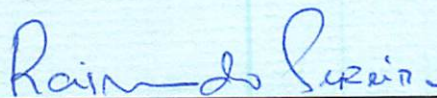
H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia



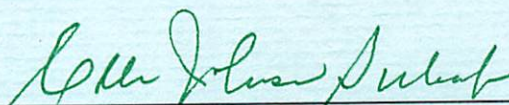
H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana



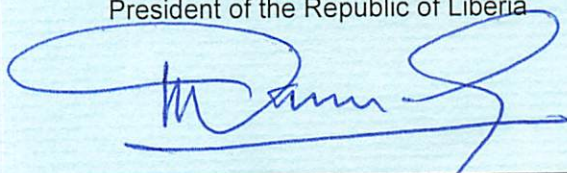
H.E. Alpha CONDE
President of the Republic of Guinea



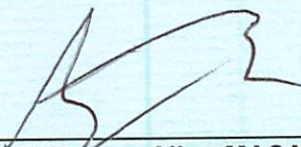
H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau



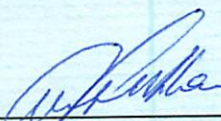
H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia



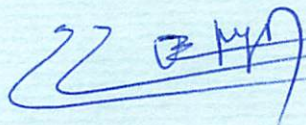
H.E. Issoufou MAHAMADOU
President of the Republic of Niger



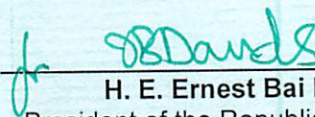
H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali



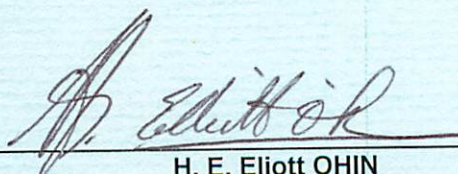
H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS



H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal



H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone



H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic



FORTIETH ORDINARY SESSION OF THE HEADS OF STATE AND GOVERNMENT OF THE ECOWAS MEMBER STATES

Abuja, 16 to 17 February 2012

SUPPLEMENTARY ACT A/SP.8/02/12 RELATING TO THE COMMON RULES ON THE CONDITIONS OF ACCESS TO AIR TRANSPORT MARKETS IN ECOWAS MEMBER STATES

THE HIGH CONTRACTING PARTIES,

MINDFUL of articles 7, 8 and 9 of ECOWAS revised Treaty as amended establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of article 32(1)(f) of the said Treaty which prescribes that Member States encourage co-operation in flight scheduling, leasing of aircraft and granting joint use of fifth freedom rights to airlines in the region;

MINDFUL of the Supplementary Act A/SA1/2/08 particularly article 4 adopting the Community Competition Rules and the Modalities of their application within ECOWAS;

MINDFUL of Decisions A/DEC.7/7/96 and A/DEC.6/12/03 of the Authority of Heads of State and Government on the conclusion of a Multilateral Air Transport Agreement among Member States and the Liberalization of the Air Transport Sector in West Africa respectively;

RECALLING the Convention on International Civil Aviation signed at Chicago, on the 7th December 1944 and its annexes;

52



- 2 -

MINDFUL of the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of Access to Air Transport Markets in Africa adopted on the 14th of November 1999 by the African Ministers in charge of civil aviation; and endorsed by the OAU Heads of State in Lome, Togo, in July 2000;

MINDFUL also of the Memorandum of Understanding (MOU) on the implementation of the Decision on the Liberalization of Air Transport in West and Central Africa signed by 23 States of West and Central Africa on 14 November 1999;

ACKNOWLEDGING that the reports of the 3rd, 4th and 5th Meetings of Ministers responsible for Civil Aviation in West and Central Africa, noted some discrepancies in national rules and Supplementary Acts concerning Slot Allocation, Denied Boarding, Ground Handling, Approval of Airline, Conditions for Market Access, Air Tariffs, Liability of Airline in case of an Accident, Rules of Competition and Exemption issued by the member States in West and Central Africa;

CONSIDERING that such disparities contradict the spirit and objectives of the Yamoussoukro Decision;

DETERMINED to address the disparities and to harmonize national legislations and regulations in matters of Air Transport Services;

DESIROUS to adopt a Common Community legal framework on Conditions of Access to Air Transport Markets in ECOWAS Member States;

ON THE PROPOSAL of the Meeting of transport Ministers held in Yamoussoukro on the 17th of September 2011;

HAVING received the opinion of the ECOWAS Parliament;

ON THE RECOMMENDATION on the Sixty-seventh session of the Council of Ministers held in Abuja, from 19 to 21 December 2011.

HEREBY AGREE AS FOLLOWS

Article 1: Definitions

For the purpose of this Supplementary Act, the following terms shall have the meanings assigned to them hereafter:-

50



- 3 -

Aeronautical Authority: any governmental authority, corporate body or organ duly authorised to perform the functions of civil aviation;

Air carrier: an air transport enterprise holding a valid approval issued by a member State.

Airport: surface defined on land or water used for the arrival, departure and movements of the aircraft on the surface;

Air service: flight or series of flights carrying, passengers, freight or mail for hire or reward;

Capacity: Number of seats made available to the public or freight payload and mail on an air service for a determined period;

Chicago Convention: Convention on International Civil Aviation signed in Chicago on 07 December 1944 incl. all its annexes;

Community: The Economic Community of West African States as referred to in article 2 of the ECOWAS Revised Treaty;

Council: Council of Ministers as established under article 10 of ECOWAS revised Treaty

ECOWAS Commission: ECOWAS Commission established in article 17 of the ECOWAS Revised Treaty as amended in June 2006;

Flight: Air routing of an aircraft departing from a given airport to an airport of destination.

ICAO: International Civil Aviation Organisation a Special Agency of the United Nations headquartered in Montreal, Canada;

Member State: A State party to the ECOWAS Revised Treaty;

Member States concerned: Member States between which or a member State within which an air service is operated;

Member States involved: Member State concerned or member States that have issued approval to the airlines operating the air services;

[Handwritten signatures and initials in blue ink]



- 4 -

Non-scheduled air service: A commercial air service performed in a different way as compared with a scheduled service;

Public service obligations: Obligations imposed on an air carrier to make, with respect to any air services that it may operate under an air carrier approval issued by an Aeronautical Authority, any necessary arrangements to ensure/provide services of general public interest which meet the standards set as regards continuity, regularity, capacity and costs; such standards would not be met if the air carrier had to bear in mind the commercial interest alone;

Scheduled air service: a series of flights with all the following characteristics:

- i) it is performed, subject to consideration, with aircraft to carry passengers, freight and/or mail in such conditions that, on each flight, individual seats are made available to the public either directly by the air carrier, or through its authorized agents;
- ii) it is organized for the purpose of connecting two airports or more:
 - either according to a published schedule; or
 - with such a regularity or frequency that it becomes part of an obvious systematic series;

Traffic right: Right for an air carrier to carry, subject to payment, passengers, freight and/or mail on an air link between two or several airports in West and Central Africa.

Article 2: Object and scope

This Supplementary Act shall determine the conditions of access of the air carriers to scheduled and non-scheduled air services of the Community.

An ECOWAS designated air carrier shall be permitted to operate between any two airports within the Community.

[Handwritten signatures and initials in blue ink at the bottom of the page]



- 5 -

Article 3: Granting of traffic rights

Subject to compliance with the provisions of this Supplementary Act, the air carriers shall be designated and authorised by the member

States concerned to exercise traffic rights on air services within ECOWAS territory.

Article 4: Designation and Authorization

1. Each Member State shall have the right to designate in writing one or more air carrier(s) to operate air transport services in accordance with article 3 of this Supplementary Act. Such designation shall be notified to the other member State(s) concerned, accompanied by the operating license and AOC of the air carrier and the corresponding insurance policies, and the ECOWAS Commission.
2. A member State may also designate an air carrier from another member State [or other State Party to the Yamoussoukro Decision] to operate air services on its behalf.
3. A member State shall have the right to designate a multinational air carrier in which it (the State) and/or ECOWAS citizens have shares and the rights to operate its air services on their behalf.
4. On receipt of the notification of such designation, the other member State(s) concerned shall, subject to paragraphs 5 and 6 of this article, without delay but not later than 30 days, grant to the air carrier that has been authorized the appropriate authorization to the designated air carrier.
5. A member State concerned shall have the right to satisfy itself that the air carrier designated has been authorized and agreed to fulfill the conditions for the operation of the air routes for which it has been designated.
6. A member State concerned shall have the right to refuse to grant the authorization referred to in paragraph 4 of this article, or to impose such conditions as it may deem necessary on the rights specified in

520

AK

TRD

Com



- 6 -

article 3 of this Supplementary Act, in any case where it is not satisfied that the designated air carrier has been certificated and licensed to fulfill the conditions for the operation of the routes for which it has been designated.

Article 5: Public service obligations

1. A member State may, by decision based on general public interest requirements, notably the need for territory development, make provision for public service obligations on a given domestic link.
2. Two or several member States may, by decision based on general public interest requirements, notably the need for territory development, impose public service obligations on one or several specific intra-community links.
3. Decisions referred to in paragraphs 1 or 2 above may relate to obligations concerning the duration of operation of the services, and the conditions pertaining to air fares and rates, frequencies, capacity and taking into account specific categories of passengers or freight.
4. They shall be notified to the ECOWAS Commission for publication in the Official Bulletin of ECOWAS. The ECOWAS Commission, on its own initiative or acting at a Member State or air carrier's request, may organize consultations with member State(s) concerned on the compliance of decisions with the provisions of the law of ECOWAS and where necessary, on the duration of restrictions already complied with.
5. The ECOWAS Commission shall report to the Council the outcome of the above-mentioned consultations.
6. When the decision imposing a public service obligation route is published in the Official Bulletin of ECOWAS, but that no air carrier of a Member State has commenced, or considers to commence operating scheduled air services on that route, the concerned member State(s) may invite tenders with specifications for the purpose of selecting an air carrier.

B0



- 7 -

Article 6: Granting traffic rights to non-member States of ECOWAS

1. In compliance with international agreements in force, air carriers established in a non-member State may be authorized by a member State to operate traffic rights from its territory, on intra-community links provided that such a third State:
 - a) de jure or de facto grants to the air carriers a treatment comparable to that reserved by concerned member States to that State's carriers.
 - b) de jure or de facto grants to the air carriers the most favourable treatment offered to other countries' carriers.
 - c) has issued to them an air carrier approval on the basis of economic and technical criteria equivalent to those set forth in the Supplementary Acts relating to air carrier's approval.
2. Air carriers established in a non-member State that adheres to the Yamoussoukro Decision shall be considered as authorized by the member States to operate air services on the same conditions as an air carrier of ECOWAS on a reciprocal basis.

Article 7: Operating Rules

The exercise of traffic rights shall be subject to competition laws within the Community as enacted by the ECOWAS Treaty and community, national or local operating rules as published concerning aviation security, safety, and environmental protection and slot allocations.

Article 8: Operational Flexibility

In operating scheduled and non-scheduled services, an air carrier may, on any or all flights and at its option:

- (a) operate flights in both directions; and
- (b) combine air services and use the same flight number.



- 8 -

Article 9: Cooperative Arrangements

In operating the authorized services on the agreed routes, a designated air carrier of one State Party may enter into cooperative marketing arrangements such as blocked-space, code sharing, franchising or leasing arrangement, with an air carrier or air carriers of the other State Party.

Article 10: Conditions for Operating Business










1. Air carriers shall have the right to establish offices in the territory of member States for the promotion and sale of their air services as well as other facilities needed for the provision of said air services. The air carriers shall also be allowed, in conformity with national laws and Supplementary Acts pertaining to entry, residence and employment, to bring in and maintain in the territory of the member States concerned managerial, sales, technical, operational and other specialist staff required for the provision of these air services.
2. Air carriers shall be granted the right to convert and remit to the country of its choice, all local revenues from the sale of air services and associated activities directly linked to air transport in excess of sums locally disbursed, with conversion and remittance permitted promptly without restriction.
3. Air carriers shall be permitted to pay for local expenses such as handling and purchase of fuel in local currency.

Article 11: Transitional provision

A Member State shall not be obligated to authorize the exercise of cabotage rights on its territory by air carriers holding a license issued by another Member State up to 12 months from the date of the coming into force of this Supplementary Act.

Article 12: Safety

1. A Member State may request consultation with another Member State concerning the safety standards maintained by that other member

FO         



- 9 -

State relating to the operation of the air carrier(s) approved by that other Member State, its aeronautical facilities and services, air crews and aircraft. If, following such consultations, the Member State finds that the other Member State does not effectively maintain and administer safety standards and requirements in any of the above areas that at least equal the minimum standards pursuant to the Chicago Convention or as established by ECOWAS it shall so notify the ECOWAS Commission indicating the appropriate remedial action.

2. Upon a notification according to paragraph 1 of this article the ECOWAS Commission shall without delay and at the latest within two weeks convene a consultative meeting with the concerned Member States in order to discuss the appropriate remedial action, if any.
3. The present Supplementary Act shall not prevent the aeronautical authority of a member State involved from reacting immediately to a safety problem where the authority concludes that immediate action is essential to the safety of an air carrier operation.
4. This may apply to a safety problem which becomes apparent as a result of a ramp inspection, a series of ramp inspections, a denial of access for ramp inspection, failure to implement prior recommendations made or otherwise. For this purpose immediate reaction may include, as appropriate, the suspension or withdrawal of permission for the exercise of traffic rights by the air carrier(s) concerned to the State involved. In such a case, the member State shall inform the other Member States and ECOWAS Commission of such decision.

Article 13: Security

The Member States shall implement the provisions of the Supplementary Act A/SP.11/02/12/ establishing common rules on Civil Aviation Security in ECOWAS Member States.

Article 14: Report and cooperation

1. Member States and the ECOWAS Commission shall cooperate for the implementation of this Supplementary Act.



- 10 -

2. The ECOWAS Commission shall present a report to the Council on the enforcement of the Supplementary Act every two years after their entry into force.
3. The ECOWAS Commission shall enter into cooperation with other international organizations for the purpose of implementing the present Supplementary Act.

Article 15: Implementation of the Supplementary Act

1. The member States shall take all necessary legislative and regulatory measures for effective implementation of the present Supplementary Act.
2. The ECOWAS member States shall communicate to ECOWAS Commission any measures concerning the implementation of the present Supplementary Act.

Article 16: Amendments

1. Any Member State may submit proposal for amendment or revision of this Supplementary Act to the ECOWAS Commission.
2. Such proposed amendment shall be subject to the provisions of article 90 of the ECOWAS Treaty relating to the procedures of amendment and revision.

Article 17: Entry into Force and Publication

4. This Supplementary Act shall enter into force from the date of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.
5. It shall be published in the Official journal of the Community, within thirty (30) days of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.

[Handwritten signatures in blue ink]



- 11 -

Article 18: Depositary Authority

This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all member States and register same with the African Union (AU), the International Civil Aviation Organization (ICAO) and such other organizations as may be decided by the Council.

IN FAITH OF WHEREOF, WE, THE HEADS OF STATE AND
GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST
AFRICAN STATES (ECOWAS) HAVE SIGNED THIS
SUPPLEMENTARY ACT

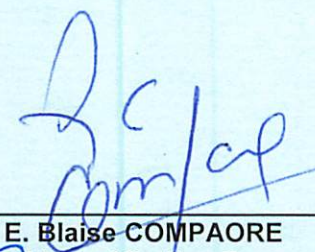
DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY 2012

IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND
PORTUGUESE LANGUAGES, ALL THREE TEXTS BEING EQUALLY
AUTHENTIC

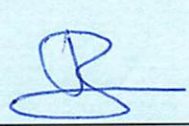
50



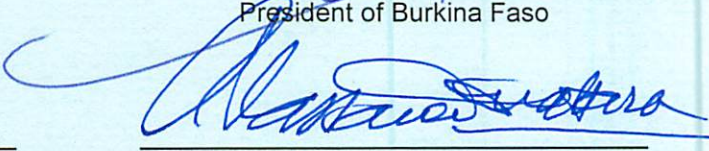
H. E. Thomas Boni YAYI
President of the Republic of Benin



H. E. Blaise COMPAORE
President of Burkina Faso

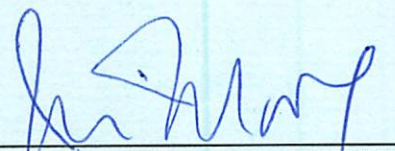


H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde

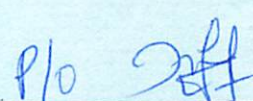


H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire

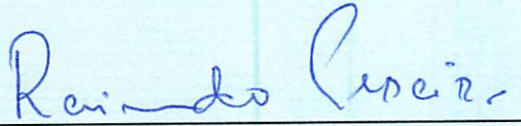
H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia




H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana



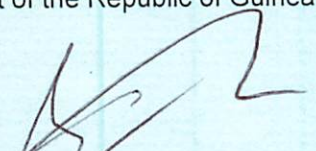
H.E. Alpha CONDE
President of the Republic of Guinea



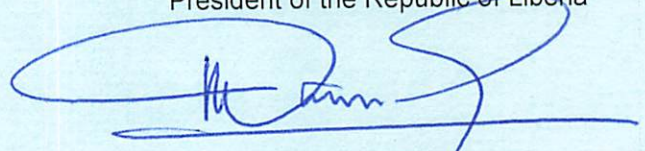
H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau



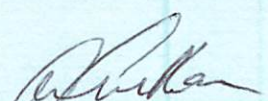
H.E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia




H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali



H.E. Issoufou MAHAMADOU
President of the Republic of Niger



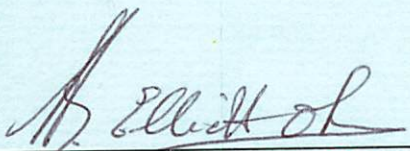
H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS



H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal



H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone



H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic



FORTIETH ORDINARY SESSION OF THE HEADS OF STATE AND GOVERNMENT OF THE ECOWAS MEMBER STATES

Abuja, 16 to 17 February 2012

SUPPLEMENTARY ACT A/SP.9/02/12 RELATING TO THE COMMON RULES ON CERTAIN CATEGORIES OF AGREEMENTS, DECISIONS AND CONCERTED PRACTICES RELATING TO RULES OF COMPETITION IN AIR TRANSPORT SERVICES WITHIN ECOWAS MEMBER STATES

THE HIGH CONTRACTING PARTIES,

MINDFUL of articles 7, 8 and 9 of the Treaty of ECOWAS as amended establishing the Authority of Heads of states and Government and defining its composition and functions;

MINDFUL of article 32(1)(f) of the said Treaty which prescribes that member States encourage co-operation in flight scheduling, leasing of aircraft and granting joint use of fifth freedom rights to airlines in the region;

MINDFUL of the Supplementary Act A/SA 1/2/08 particularly article 4 adopting the Community Competition Rules and the Modalities of their application within ECOWAS;

MINDFUL of the Supplementary Act A/SA 2/12/2008 on the establishment, function and operation of the regional competition authority for ECOWAS;

MINDFUL of Decisions A/DEC.7/7/96 and A/DEC.6/12/03 of the Authority of Heads of State and Government on the conclusion of a Multilateral Air Transport Agreement among Member States and the Liberalization of the Air Transport Sector in West Africa respectively;

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 2 -

RECALLING the Convention on International Civil Aviation opened for signature at Chicago, on the 7th December 1944 and its annexes;

MINDFUL of the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of Access to Air Transport Markets in Africa adopted on the 14th of November 1999 by the African Ministers in charge of civil aviation; and endorsed by the OAU Heads of State in Lome, Togo, in July 2000;

MINDFUL also of the Memorandum of Understanding (MOU) on the implementation of the Decision on the Liberalization of Air Transport in West and Central Africa signed by 23 States of West and Central Africa on 14 November 1999;

ACKNOWLEDGING that the reports of the 3rd, 4th and 5th Meetings of Ministers responsible for Civil Aviation in West and Central Africa, noted some discrepancies in national rules and Supplementary Acts concerning Slot Allocation, Denied Boarding, Ground Handling, Approval of Airline, Conditions for Market Access, Air Tariffs, Liability of Airline in case of an Accident, Rules of Competition and Exemption issued by the member States in West and Central Africa;

CONSIDERING that such disparities contradict the spirit and objectives of the Yamoussoukro Decision;

DETERMINED to address the disparities and to harmonize national legislations and regulations in matters of Air Transport Services;

DESIROUS to adopt a Common Community legal framework on Rules of Competition and Exemptions in Air Transport Services, for the member States of West Africa;;

ON THE PROPOSAL of the Meeting of transport Ministers held in Yamoussoukro on the 17th of September 2011;

HAVING received the opinion of the ECOWAS Parliament;

ON THE RECOMMENDATION of the Sixty-seventh Session of the Council of Ministers held in Abuja, from 19 to 21 December 2011;

[Handwritten signatures in blue ink at the bottom of the page]



- 3 -

HEREBY AGREE AS FOLLOWS

CHAPTER 1:

DEFINITIONS, OBJECTIVE AND SCOPE

Article 1: Definitions

For the purpose of this Regulation, the following terms shall have the meanings assigned to them;

Aeronautical Authority: any governmental authority, corporate body or organ duly authorised to perform this function;

Airline: Any air transport enterprise offering or operating any international air services.

Air Service: any flight or series of flights carrying, subject to consideration, passengers, freight and/or mail;

Air Tariff: prices expressed in any currency of a member State to be paid for the carriage of passengers, freight and mail on an air service together with the applicable conditions of such prices, including the remuneration and conditions offered to agencies and other ancillary services;

Capacity: the number of seats and cargo space made available by an airline to the general public and /or the payload in freight and mail on air service over a given period and in a given sector;

Capacity Dumping: the introduction into a market of capacity far in excess of anticipated demand which is likely to have significant adverse impact upon a competing carrier or carriers;

Chicago Convention: Convention on International civil aviation signed at Chicago, on 7th December 1944 and its Annexes;

[Handwritten signatures and initials in blue ink at the bottom of the page, including 'AK', 'M', 'D', 'B', and 'Com']



- 4 -

Concerted practice: co-ordination between airlines that, without having reached the stage where an agreement properly so-called has been concluded, knowingly substitutes practical co-operation to the exclusion of competition;

Council: the Council of Ministers as established under Article 10 of the ECOWAS Revised Treaty;

Dominant position: a position of one or more airlines which enables them to prevent effective competition being maintained within the market or a part thereof, by giving them the ability to behave to an appreciable extent independently of their competitors, their suppliers, their customers or end-users;

ECOWAS Commission: ECOWAS Commission established in article 17 of the ECOWAS Revised Treaty as amended in June 2006;

Inordinately high Pricing: the introduction by a carrier or carriers into a market of a price increase which is unreasonably high because of a lack of price competition, or abuse of a dominant position, or collusion;

Market: a relevant geographic area, including routes or sector thereof and a relevant air transport service provided by an airline;

Montreal Convention: Convention on the Unification of Certain Rules concerning International Air transport signed in Montreal 28th May 1999 replacing the convention of Warsaw signed on 12 October 1929 and its protocol Annexes;

Non-scheduled air service: Charter or special flights performed for remuneration on an irregular basis other than those operated under scheduled service.

Price Predation : the introduction by a carrier into a market of an excessively low price which is likely to be perceived as specifically designed, targeted and intended to keep out a new entrant carrier or to drive out a weaker incumbent;

[Handwritten signatures and initials in blue ink at the bottom of the page]



- 5 -

Regional Competition Authority: The structure responsible for the implementation of the competition rules established pursuant to Article 1 of the Supplementary Act A/SA 2/12/2008 on the establishment, function and operation of the regional competition authority for ECOWAS;

Scheduled air service: a series of flights with all the following characteristics:

- i) it is performed, subject to payment, with aircraft to carry passengers, freight and/or mail in such conditions that, on each flight, individual seats are made available to the public either directly by the airlines, or through its authorized agents;
- ii) it is organized for the purpose of connecting two airports or more:
 - either according to a published schedule; or
 - with such a regularity or frequency that it becomes part of an obvious systematic series;

Trade association: an association of airlines with the aim of promoting cooperation activities of its members;

Traffic Right: The right granted to airline to carry passengers, freights and mail for remuneration.

Article 2: Objective and Scope

1. The community competition rules and the modalities for their implementation as defined in the Supplementary Act No. A/SA 1/11/08 dated 19 November 2008, shall apply to air transport services within the member States of ECOWAS;
2. The objective of the present Supplementary Act is to establish the modalities of exemption in matters of air transport services within the member States of ECOWAS.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 6 -

CHAPTER II

EXEMPTIONS CONCERNING JOINT PLANNING AND COORDINATION OF SCHEDULES, JOINT OPERATIONS AND JOINT CONSULTATIONS ON PASSENGERS AND FREIGHT TARIFFS ON REGULAR FLIGHTS

Article 3: Block Exemption

The Regional Competition Authority may authorize exemptions concerning agreements between airlines, decisions and concerted practices dealing with:

- the joint planning and coordination of the schedule of an air transport service by airlines,
- the joint operation of a scheduled air service on a new or on a low-density route,
- the holding of consultations on tariffs for the carriage of passengers, with their baggage, and of freight on scheduled air services.

Article 4: Special provisions for joint planning and coordination of schedules

The exemption concerning joint planning and coordination of the schedule of an air service shall apply provided the following conditions are fulfilled:

1. the planning and coordination are intended:
 - (a) to ensure by means of a non-binding arrangement a satisfactory supply of services during low traffic periods, or on low density routes; or

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 7 -

- (b) to establish by means of a binding arrangement schedules which will facilitate interline connections for passengers, cargo or mail between services operated by the participants and minimum capacity to be provided for such schedules;
2. the agreements, decisions and concerted practices do not include arrangements which limit, directly or indirectly, the capacity to be provided or shared by the participants;
 3. the agreements, decisions and concerted practices do not prevent any other airline taking part in the planning and coordination from introducing additional services, without incurring penalties and without being required to obtain the approval of the other participants;
 4. the agreements, decisions and concerted practices do not prevent any other airline from withdrawing from the planning and coordination for future seasons without penalty on giving notice of not more than three (3) months to that effect;
 5. the agreements, decisions and concerted practices do not seek to influence the schedules adopted by airlines not participating in them.
 6. the agreements, decisions or concerted practices do not seek to nor have the effect of restricting access to, or preventing, any airline from operating on any particular route.

Article 5: Special provision for joint operations

The exemption concerning the joint operation of an air service shall apply provided the following conditions are met:

1. the joint operation concerning the sharing, by one airline, of the costs and revenues of another airline in respect of a scheduled air service which the latter is operating;

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 8 -

2. there was no direct air service between the two airports concerned during all of the two traffic seasons preceding the beginning of the joint operation; or the capacity on the route covered by the joint operation does not exceed one-tenth of the seats per year in each direction;
3. neither party is prevented from operating additional air services on its own account between the two (2) airports concerned nor from independently determining the fares, capacity and schedules of such air services;
4. no other airline is prevented from operating air services between any two airports within ECOWAS member States.
5. either party can terminate the joint operation on giving notice of not more than three (3) months, to expire at the end of a traffic season.

Article 6: Special provisions for consultations on passenger and cargo tariffs

1. The exemption concerning the holding of consultation on tariffs and rates shall apply provided the following conditions are met:
 - (a) the participants only discuss air fares and cargo rates to be charged directly to a participating airline or to its authorized agents, for the carriage of passengers or freight on a scheduled service, as well as the conditions relating to those fares and rates. The consultations shall not extend to the capacity for which such tariffs are to be available;
 - (b) where the consultations give rise to interlining, air transport users must be able;
 - i. to combine on a single passenger ticket or cargo document the service which was the subject of the consultation, with services on the same or on connecting routes operated by other airlines, whereby the applicable fares, rates and conditions are set by the airlines(s) effecting carriage; and

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 9 -

- ii. to the extent permitted by the conditions governing the initial reservation, to change a reservation on a service which was the subject of the consultations onto a service on the same route operated by another airline at the fares, rates and conditions applied by that other airline;
 - iii. provided that an airline may refuse to allow such combinations and changes of reservation on a non-discriminatory basis of a technical or commercial nature, in particular where the airline effecting carriage is concerned with the credit-worthiness of the airlines who would be collecting payment for this carriage; in such case the latter airline must be notified thereof in writing;
- (c) the passenger or cargo tariffs which are the subject of the consultations are applied by participating airlines without discrimination on grounds of the passenger's nationality or place of residence or on grounds of the origin of the freight;
- (d) participation in the consultations is voluntary and open to any airline which operates or intends to operate direct or indirect services on the route concerned;
- (e) the consultations are not binding on participants: following the consultations the participants retain the right to act independently in respect of passenger and cargo tariffs;
- (f) The consultations do not entail agreement on agents' remuneration or other elements of the tariffs discussed.
2. The Regional Competition Authority may send observers to tariff consultations. For this purpose, airlines shall give the Member States concerned and the Regional Competition Authority the same notice as is given to participants, but not less than fourteen (14) days notice, of the date, venue and subject matter of the consultations.

[Handwritten signatures and initials in blue ink at the bottom of the page, including 'AK', 'W', and 'BAM']



- 10 -

3. A full report on these consultations shall be submitted to Regional Competition Authority by or on behalf of the airlines involved at the same time as it is submitted to participants, but not later than forty five (45) days after those consultations were held.

Article 7: Withdrawal of the block exemption

The Regional Competition Authority may withdraw the benefit of the block exemption where it finds in a particular case that an agreement, decision or concerted practice exempted by this Supplementary Act, is incompatible or prohibited by Article 5 of the Supplementary Act No. A/SA 1/12/08 dated 19 December 2008 on the adoption of the community rules and the modalities of their application within ECOWAS.

CHAPTER III

RULES OF EXEMPTION WITH REGARD TO GROUND HANDLING SERVICES

Article 8: Exemption on Ground handling Services

The Regional Competition Authority may grant exemptions concerning ground handling services in airports of the ECOWAS member States.

Article 9: Ground handling services

The exemption granted under Article 8 shall apply to the following services:

1. all technical and operational services generally provided on the ground at airports, such as the provision of the necessary flight documents and information to crews, apron services, including loading and unloading, safety, aircraft servicing and refueling, and operations before take-off;
2. all services connected with the handling of passengers, mail, freight and baggage, such as information to passengers and visitors, the

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 11 -

handling of passengers and their baggage before departure and after arrival, and the handling and storage of freight and mail in conjunction with the postal services;

3. all services for the provision of in-flight catering, including the preparation, storage and delivery of meals and supplies to aircraft and the maintenance of catering equipment.

Article 10: Implementation of exemptions

The exemption shall apply only if:

1. the agreements, decisions or concerted practices do not oblige the airlines to obtain any or all of the ground handling services referred to in Article 9 exclusively from a particular supplier;
2. the supply of the ground handling services referred to in Article 9 is not tied to the conclusion of contracts for or acceptance of other goods or services which, by their nature or according to commercial usage, have no connection with the services referred to in Article 9 or to the conclusion of a similar contract for supply of services at another airport;
3. the agreements, decisions or concerted practices do not prevent an airline from choosing from the range of ground handling services offered by a particular supplier those it wants to take from that supplier and do not deny it the right to procure similar or other services from another supplier or to provide them itself;
4. the supplier of the ground handling services does not impose, directly or indirectly, prices or other conditions which are unreasonable and which in particular, bear no reasonable relation to the cost of the services provided;
5. the supplier of the ground handling services does not apply dissimilar conditions to equivalent transactions with different customers;

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 11 -

6. the airline is able to withdraw from the agreement with the supplier of the ground handling services without penalty, on giving notice in accordance with the terms of the contract between the airline and the handling company, and in any case the period of the notice shall not exceed three (3) months.

Article 11: Withdrawal of Block exemption

The Regional Competition Authority may withdraw the benefit of the block exemption where it finds in a particular case that an agreement, decision or concerted practice exempted is incompatible or prohibited with the conditions laid down by Article 5 of the Supplementary Act No. A/SA 1/12/08 dated 19 December 2008 adopting community competition rules and the modalities of their application within ECOWAS.

CHAPTER IV

RULES OF PROCEDURE

Article 12: The Regional Competition Authority

The Regional Competition Authority in collaboration with the Air Transport Committee is hereby charged with the enforcement of the rules of procedure in matters of complaints, investigation and arbitration.

Article 13: Complaints, Investigation and Arbitration

1. Any Member State, airline or any concerned party may file a complaint before the Regional Competition Authority against a State, an airline, a ground handling company and any other person concerning an alleged breach of this present Supplementary Act.

2. The Rules and Procedures established under the provisions of Articles 3 to 11 of the Supplementary Act No. A/SA 2/12/08 dated 19 December 2008 on the establishment, functions and operation of the

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 12 -

Regional Competition Authority for ECOWAS shall apply to the exemptions in matters of air transport services.

CHAPTER V

MISCELLANEOUS AND FINAL PROVISIONS

Article 14: Report and cooperation

1. Member States and the ECOWAS Commission shall cooperate for the implementation of this Supplementary Act
2. The ECOWAS Commission shall present a report to the Council on the enforcement of the Supplementary Act every two (2) years after their entry into force.
3. The ECOWAS Commission shall enter into cooperation with other international organizations for the purpose of implementing the present Supplementary Act.

Article 15: Amendments

Any Member State may submit proposal for amendment or revision of this Supplementary Act to the ECOWAS Commission in accordance with the provisions of article 90 of the ECOWAS Treaty relating to the procedures of amendment and revision.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 13 -

Article 16: Entry into Force and Publication

1. This Supplementary Act shall enter into force from the date of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.
2. It shall be published in the Official journal of the Community, within thirty (30) days of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.

Article 17: Depositary Authority

This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all member States and register same with the African Union (AU), the International Civil Aviation Organization (ICAO) and such other organizations as may be decided by the Council.

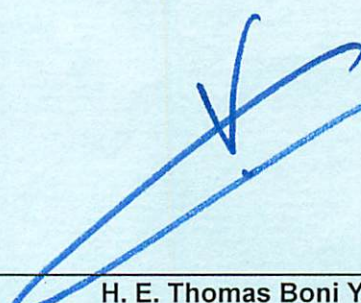
**IN FAITH OF WHEREOF, WE, THE HEADS OF STATE AND
GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST
AFRICAN STATES (ECOWAS) HAVE SIGNED THIS
SUPPLEMENTARY ACT**

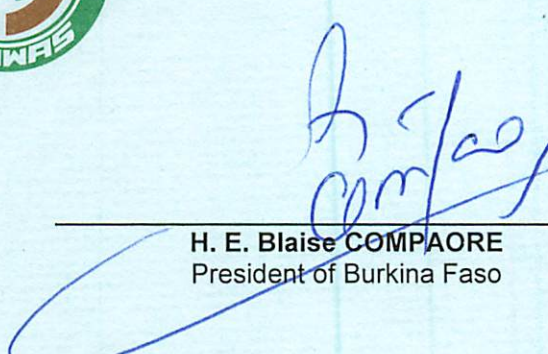
DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY 2012

**IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND
PORTUGUESE LANGUAGES, ALL THREE TEXTS BEING EQUALLY
AUTHENTIC**

[Handwritten signatures and initials in blue ink, including 'UN', 'AL', and others, are visible at the bottom of the page.]




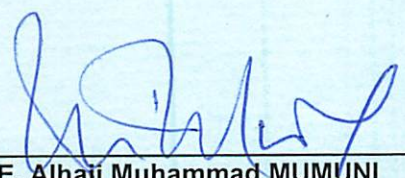

H. E. Thomas Boni YAYI
President of the Republic of Benin

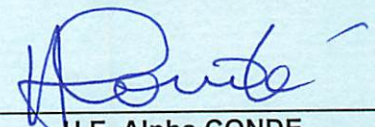

H. E. Blaise COMPAORE
President of Burkina Faso

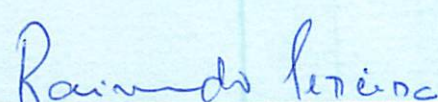
H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde


H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire

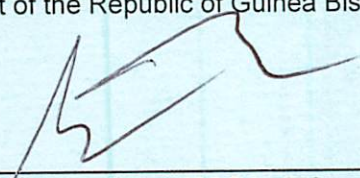

H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia

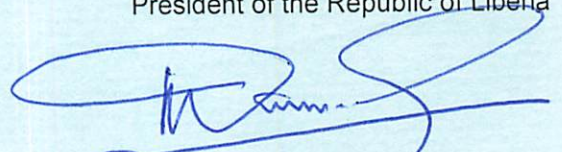

H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana

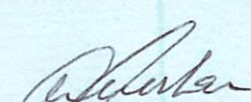

H.E. Alpha CONDE
President of the Republic of Guinea

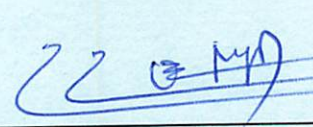

H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau

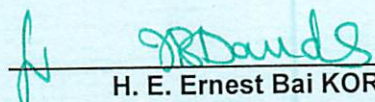

H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia


H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali


H.E. Issoufou MAHAMADOU
President of the Republic of Niger


H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS


H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal


H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone


H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic



FORTIETH ORDINARY SESSION OF THE HEADS OF STATE AND GOVERNMENT OF THE ECOWAS MEMBER STATES

Abuja, 16 to 17 2012

SUPPLEMENTARY ACT A/SP.10/02/12 RELATING TO THE COMMON RULES ON THE APPROVAL OF AIR CARRIERS OF ECOWAS MEMBER STATES

THE HIGH CONTRACTING PARTIES,

MINDFUL of articles 7, 8 and 9 of ECOWAS revised Treaty as amended establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of article 32(1)(f) of the said Treaty which prescribes that Member States encourage co-operation in flight scheduling, leasing of aircraft and granting joint use of fifth freedom rights to airlines in the region;

MINDFUL of the Supplementary Act A/SA1/2/08 particularly article 4 adopting the Community Competition Rules and the Modalities of their application within ECOWAS;

MINDFUL of Decisions A/DEC.7/7/96 and A/DEC.6/12/03 of the Authority of Heads of State and Government on the conclusion of a Multilateral Air Transport Agreement among Member States and the Liberalization of the Air Transport Sector in West Africa respectively;

RECALLING the Convention on International Civil Aviation signed at Chicago, on the 7th December 1944 and its annexes;

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 2 -

MINDFUL of the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of Access to Air Transport Markets in Africa adopted on the 14th of November 1999 by the African Ministers in charge of civil aviation; and endorsed by the OAU Heads of State in Lome, Togo, in July 2000;

MINDFUL also of the Memorandum of Understanding (MOU) on the implementation of the Decision on the Liberalization of Air Transport in West and Central Africa signed by 23 States of West and Central Africa on 14 November 1999;

ACKNOWLEDGING that the reports of the 3rd, 4th and 5th Meetings of Ministers responsible for Civil Aviation in West and Central Africa, noted some discrepancies in national rules and Supplementary Acts concerning Slot Allocation, Denied Boarding, Ground Handling, Approval of Airline, Conditions for Market Access, Air Tariffs, Liability of Airline in case of an Accident, Rules of Competition and Exemption issued by the member States in West and Central Africa;

CONSIDERING that such disparities contradict the spirit and objectives of the Yamoussoukro Decision;

DETERMINED to address the disparities and to harmonize national legislations in matters of Air Transport Services;

DESIROUS to adopt a Common Community legal framework on the Approval of Air Carriers in ECOWAS Member States;

ON THE PROPOSAL of the Meeting of transport Ministers held in Yamoussoukro on the 17th of September 2011;

HAVING received the opinion of the ECOWAS Parliament;

ON THE RECOMMENDATION on the Sixty-seventh session of the Council of Ministers held in Abuja, from 19 to 21 December 2011.

HEREBY AGREE AS FOLLOWS

Article 1: Definitions

For the purpose of this Supplementary Act, the following terms shall have the meanings assigned to them hereafter:

[Handwritten signatures and initials in blue ink, including 'AK', 'BRD', and others, are visible at the bottom of the page.]



- 3 -

Aerial work: In-flight activity during which an aircraft is used for specialized services such as agriculture, construction, photography, topography, observation and surveillance, search and rescue, aerial advertising;

Aeronautical Authority: any governmental authority, corporate body or organ duly authorised to perform the function of civil aviation;

Air carrier: an air transport enterprise engaged in the provision of air transport by aircraft for hire or remuneration and holding a valid approval;

Air Operating Certificate (AOC) : Document issued to an enterprise by the Aeronautical Authority of an ECOWAS member State certifying that the concerned enterprise has the required professional and organizational capacities to operate aircraft safely for the purpose of conducting the air transport activities mentioned therein;

Approval: an administrative authorization granted to an enterprise by the Aeronautical Authority to carry by air passengers, freight and/or mail for consideration;

Authority: The Authority of Heads of State and Government;

Capacity: Number of seats offered to the public or charge of paid freight and post for air service for a period of time.

Chicago Convention: Convention on International Civil Aviation signed in Chicago on 7 December 1944 including all its annexes;

Community: The Economic Community of West African States as referred to in article 2 of the ECOWAS Revised Treaty;

Corporate plan: detailed description of the commercial activities planned by the enterprise for the period under review, notably with respect to the evolution of the market and the investments contemplated, as well as the financial and economic implications of such activities;

Council: Council of Ministers as established under article 10 of ECOWAS revised Treaty;

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 4 -

ECOWAS Commission: ECOWAS Commission established in article 17 of the ECOWAS Revised Treaty as amended in June 2006;

Effective control: relationship constituted by rights, contracts or any other means which, either separately or jointly and taking into account circumstances in law and specific cases, offer the possibility to exert directly or indirectly a decisive influence on an enterprise;

Enterprise: Individual or legal entity carrying out whether for profit or not a profit air transport services;

Management accounts: Detailed description of income and expenditures for the period under review, including a breakdown between the aviation and the non aviation related income and expenditure;

Member State: A State party to the ECOWAS Revised Treaty

Montreal Convention: Convention for the Unification of Certain Rules relating to International Carriage signed at Montreal 25 May 1999 which replaced the Warsaw Convention dated 12 October 1929 and its annexes;

Article 2: Scope

1. This Supplementary Act shall determine the criteria for the issuance and continuing validity by member States, of the approval of air carriers established in the territory of ECOWAS member States.
2. The air transport of passengers, freight or mail other than by aircraft as well as domestic air services not involving transportation between airports of two or more Member States and aerial work, shall not be covered by this Supplementary Act.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 5 -

Article 3: Air carrier's approval

1. Without prejudice to paragraph 5 of Article 5 below, Member States shall not issue or maintain valid an air carrier's approval for commercial air services whenever the conditions established by this Supplementary Act are not adhered to.
2. Any enterprise meeting the conditions as determined in this Supplementary Act shall be entitled to an air carrier's approval.

Article 4: Conditions for the issuance of an air carrier's approval

1. An Aeronautical Authority shall issue an approval to an enterprise only if, altogether:
 - a) its main place of business, or headquarters is located in the member State issuing the approval;
 - b) its main activity is air transport, exclusively or combined with any other commercial activity including aircraft operations or aircraft maintenance and repair;
 - c) is effectively controlled by member States or nationals of member States; and the services operated by it have, in majority, as departure or arrival points one or more airports in a member State and its technical, operational and managerial staff is made, in majority, of member State's nationals;
2. The enterprise shall be, at any time, in a position to demonstrate to the Aeronautical Authority which issued the air carrier's approval that it meets the conditions set forth in the present article.

Article 5: Air Carrier's Obligations

1. Any enterprise applying for an air carrier's approval for the first time shall be in a position to demonstrate to the competent Aeronautical Authority, in a convincing manner, that it will be able to:

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 6 -

- a) meet, at any time for a twenty four month period from the operating date, its present and potential obligations assessed on the basis of realistic assumptions; and
 - b) bear, for a three month period from the start of operations, fixed cost and operating cost entailed by its activities in accordance with the corporate plan and assessed on the basis of realistic assumptions without resorting to the income derived from its activities.
2. For the purpose of paragraph 1 above, any air carrier's application for approval shall be accompanied by a corporate plan covering at least the first two years of operation. The corporate plan shall also detail the financial relationship of the applicant with other commercial activities it may carry out either directly or through related enterprises. The applicant shall also provide any useful information, in particular data referred to in Annex A to this Supplementary Act.
 3. Any enterprise shall, beforehand,
 - a) notify the Aeronautical Authority of its plans concerning the operation of a new scheduled or non-scheduled service to a continent or world region not connected before, changes to be made in the type and number of operated aircraft or a substantial change in the volume of its activities. The submission, three months before the period referred to, of a corporate plan for a twelve month period constitutes a sufficient notification under the present paragraph with respect to changes in the activities and/or current elements in the corporate plan; and/or
 - b) any merger plan or plan of redemption or detention of any participation representing 10% or more of the entire capital of the air carrier or the parent company or the company which has the control in the last resort.
 4. If the Aeronautical Authority believes that the plans or the changes as notified in accordance with paragraph 3 of this article have major implications on the air carrier's financial situation, it shall

[Handwritten signatures and initials in blue ink]



- 7 -

request that a revised corporate plan be presented to it which shall include the changes as announced and cover at least a twelve month period from its implementation date as well as any useful information, including data referred to in Annex B to this Section, to be in a position to determine whether the air carrier is able to meet his/her present and potential obligations during the said period. The Aeronautical Authority shall make a decision on the revised corporate plan within three months from its date of submission. In the absence of reaction from the authority, silence gives consent.

5. When it is clear that an enterprise which was granted an approval has been experiencing financial difficulties, the Aeronautical Authority may at any time assess the financial results of that enterprise and may suspend or withdraw the operating license if it is not certain that the enterprise is able to meet its current and potential obligations for twelve months. The Aeronautical Authority may also issue a temporary approval when the enterprise is being restructured provided that safety is not jeopardized.
6. At each fiscal year and without undue delay, air carriers shall provide the Aeronautical Authority with certified accounts covering the preceding fiscal/financial year. At any time, at the Aeronautical Authority's request, air carriers shall provide the necessary information in compliance with paragraph 5 above and in particular, data referred to in Annex C to this Supplementary Act.
 - a) Paragraphs 1 to 4 above and paragraph 6 above shall not apply to air carriers who operate exclusively aircraft with a maximum take-off weight of ten (10) tons and/or a seating capacity below twenty (20) seats.
 - b) Such carriers shall at any time be able to demonstrate that their own funds amount to US\$10,000) at least and that they have an equivalent bank security. They shall, if necessary, provide the necessary information in compliance with paragraph 5 above, at the Aeronautical Authority's request.
 - c) However, an Aeronautical Authority may apply paragraphs 1 to 4 and paragraph 6 of the present article to air carriers to whom an

[Handwritten signatures and initials in blue and green ink]



- 8 -

approval was granted/issued and who operate scheduled air services or whose annual turnover is higher than US\$1,000,000

- d) On the proposal of the Commission, the Council may increase the amounts referred to in item (a) if the economic evolution makes such a decision necessary.

Article 6: Air Transport Enterprise Managers

1. The granting of an approval to the air carrier shall be subject to verification of the integrity, competence and qualification of the persons who will effectively manage the activities of the enterprise. The production of documents issued by the appropriate authorities of the Member State of origin shall be accepted as sufficient evidence.
2. The appropriate authorities of member States may require that the documents or attestations referred to in paragraph 1 above shall not date back to more than three months at the time of their submission.

Article 7: Insurance

An air carrier should have taken out insurance coverage from a reputable International Insurance Company sufficient to cover its liability for damage with respect to the transportation of passengers, baggage, freight, mail and third parties on the surface in compliance with the requirement of applicable International Conventions, Treaties and Protocols.

Article 8: Granting of an approval and continuing approval

1. The granting of an approval shall not be subject to full ownership of aircraft. However, for continuing approval, the Aeronautical Authority shall require that air carriers have at their disposal one or several aircraft they own or in joint ownership or under any type of leasing contract of at least six (6) months duration.
2. An air transport approval shall not be transferable.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 9 -

Article 9: Registration

1. Without prejudice to paragraph 3 below, the aircraft used by an air carrier shall be registered in the Member State which grants the approval on its national register and if necessary, by exemption on a national register of another member State.
2. For aircraft registered on a national register of a non-member State, a member State may grant exemptions on the conditions set forth in paragraph 1 above in case of leasing agreements aimed at meeting air carriers' temporary requirements/needs or under exceptional circumstances.
3. For the purpose of paragraph 1 above, a member State shall accept, subject to applicable national laws and Community rules, notably those dealing with airworthiness certificate, the inclusion in the national register without a discriminatory fee or delay aircraft owned by other States' nationals and transfers from other States registers.
4. There shall be no discriminatory fee for aircraft transfer in addition to the normal registration fee.

Article 10: Air Operator Certificate (AOC)

1. The Air operator certificate shall be issued only after a satisfactory inspection of the air carrier, its facilities and staff by the Aeronautical Authority taking into account ICAO standards and in particular Annex 6 of the Convention.
2. The Air Operator Certificate shall include at least the following elements:
 - i. air carrier's identity (company name, address) ;
 - ii. air carriers safety and security plan;
 - iii. description of the types of authorized operations;
 - iv. descriptions of the types of authorized aircraft and the ownership status;
 - v. operating areas and authorized routes.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 10 -

Article 11: Leased aircraft operation

1. For compliance with safety and liability standards, an air carrier who uses another enterprise's aircraft or transfers the operation or ownership of an aircraft to another enterprise shall beforehand obtain an authorization from the competent Civil Aviation Authority respectively. Leasing contracts shall be subject to the Aeronautical Authority's approval.
2. The Aeronautical Authority shall not approve wet leases entered into with an air carrier to whom it granted an approval, unless safety standards equivalent to those imposed under article 10 above are adhered to.

Article 12: Procedures for issuing approvals

1. Procedures for issuing approvals shall be specified and made public by the Member State concerned, and the Commission shall be furnished with a copy of the Procedures accordingly.
2. The concerned Member State shall decide on an application, as soon as possible taking into account all the elements received, at the latest three months after the date the required information was received. It shall inform the applying enterprise of its decision. Any refusal shall be justified.
3. An enterprise whose air carrier's application has been turned down may without prejudice lodge an appeal to the Commission. If necessary, the Commission shall make a recommendation to the said State.
4. Member States' decisions to issue or withdraw an air carrier's approval shall be published in the National Gazette of the State concerned and in the Official Journal of the ECOWAS Commission.
5. The Commission, on its own initiative or acting on a member State's request, shall verify the level of compliance with the conditions set forth in the present article.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 11 -

Article 13: Validity of an air carrier's approval

1. The air carrier's approval shall remain valid as long as the air carrier meets the obligations set forth in this Section. However, the Aeronautical Authority may impose a review at the end of the first year following the issuance of a new approval and every three years thereafter.
2. When an air carrier has interrupted its activities for six months or has not started operations six months after the license was issued, the Aeronautical Authority shall decide to review, if necessary, its case once again.
3. In case of change of one or several elements affecting the enterprise legal status, namely in case of change of ownership, restructuring and merger, the Aeronautical Authority shall decide to review the approval granted. Air carriers concerned may proceed with their activities unless the Aeronautical Authority decides, with justification, that flight safety is jeopardized.

Article 14: Withdrawal of an air carrier's Approval

1. An air carrier against whom an insolvency legal procedure has been instituted shall not be authorized to retain its license if there is no concrete possibility for satisfactory financial restructuring within a reasonable time span.
2. A Decision by the Aeronautical Authority to withdraw the approval if the conditions set forth in this Supplementary Act are not adhered to shall be justified.

Article 15: Compliance with national legislation

1. In addition to the rules set forth in this Section, the air carrier shall also comply with the provisions of the national legislation compatible with community laws.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 12 -

2. A National Regulation that is inconsistent with the provisions of this Supplementary Act shall to the extent of inconsistency be deemed null and void.

Article 16: Transitional provisions

For a maximum duration of two years from the date of entry into force of this Supplementary Act and notwithstanding Article 3, paragraph 1 of this Supplementary Act, valid approvals in any member State shall be maintained subject to adherence to laws under which they were granted.

Article 17: Report and cooperation

1. Member States and the Commission shall cooperate in the enforcement of these Supplementary Acts. Information obtained through the enforcement of this Supplementary Act shall be treated as confidential.
2. The ECOWAS Commission shall present a report to the Council on the enforcement of the Supplementary Act every two (2) years after their entry into force.
3. The ECOWAS Commission shall enter into cooperation with other international organizations for the purpose of implementing the present Supplementary Act.

Article 18: Implementation of the Supplementary Act

1. The member States shall take all necessary legislative and regulatory measures for effective implementation of the present Supplementary Act.
2. The ECOWAS member States shall communicate to ECOWAS Commission any measures concerning the implementation of the present Supplementary Act.

Article 19: Amendments

1. Any Member State may submit a proposal for amendment or revision of this Supplementary Act to the ECOWAS Commission.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 13 -

2. Such proposed amendment shall be subject to the provisions of article 90 of the ECOWAS Treaty relating to the procedures of amendment and revision.

Article 20: Entry into Force and Publication

1. This Supplementary Act shall enter into force from the date of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.
2. It shall be published in the Official journal of the Community, within thirty (30) days of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.

Article 21: Depositary Authority

This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all member States and register same with the African Union (AU), the International Civil Aviation Organization (ICAO) and such other organizations as may be decided by the Council.

IN FAITH OF WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS SUPPLEMENTARY ACT

DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY 2012

IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE TEXTS BEING EQUALLY AUTHENTIC



- 14 -

ANNEXES

ANNEX A: INFORMATION TO BE SUPPLIED BY AN ENTERPRISE APPLYING FOR AN AIR CARRIER'S APPROVAL FOR THE FIRST TIME IN RESPECT OF ITS FINANCIAL CAPACITY

1. Latest in-house accounting and financial documents and, if they exist, certified accounts of the preceding financial year.
2. A balance sheet and a forecast result account for the two years ahead.
3. The base on which forecast income and expenditures were established for items such as fuel, tariffs, salaries, maintenance, depreciation, exchange rates fluctuations, airport charges, insurance, income and traffic forecasts.
4. Details on starting costs for the period from the time the application was filed to the beginning of operations and explanations on how such costs will be funded.
5. Details on current and potential sources of financing.
6. A detailed list of shareholders together with their nationality and type of shares held and statutes. If the enterprise is a member of a group of enterprises, information shall be provided on the relationship among such enterprises.
7. The gross margin of forecast self-financing and treasury plans for the first two operating years.
8. Details on the financing of aircraft purchases, and leasing, including in case of leasing contract, the leasing terms and conditions.



- 15 -

ANNEX B:

INFORMATION TO BE PROVIDED FOR ASSESSMENT OF THE FINANCIAL CAPACITY OF LICENSE HOLDERS WHO PLAN TO CHANGE THEIR STRUCTURES OR THEIR ACTIVITIES WITH MAJOR IMPLICATIONS ON THEIR FINANCIAL SITUATION:

1. Latest in-house accounting and financial documents and certified accounts of the preceding financial year.
2. Specific details on any changes contemplated, such as change in the type of service, repurchase or merger plans, change in the capital stock, shareholder changes, etc.
3. A balance sheet and forecast results for the current financial year taking into account contemplated changes of structures or activities with major financial implications.
4. Executed income and expenditures as well as forecast income and expenditures for items such as fuel, tariffs, salaries, maintenance, depreciation, exchange rates fluctuations, airport charges, insurance, statistics and income and traffic forecasts.
5. Gross margin of self-financing and treasury plans for next year bearing in mind any contemplated changes in structures and activities with major financial implications.
6. Details on the financing of purchases through aircraft leasing including, in case of leasing, the leasing terms and conditions.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



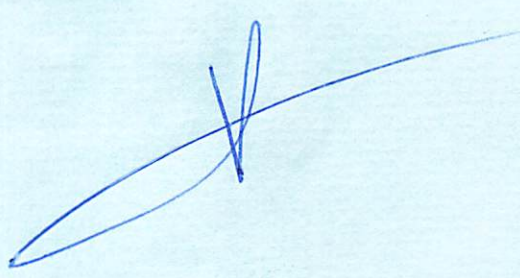
- 16 -

ANNEX C:

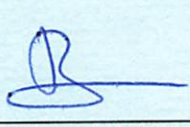
INFORMATION TO BE PROVIDED FOR ASSESSMENT OF THE CURRENT FINANCIAL CAPACITY OF APPROVAL HOLDERS

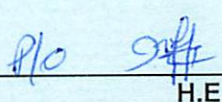
1. Certified accounts at the latest six months after the end of the period they relate to and if necessary, the latest in-house accounting and financial documents.
2. A balance sheet and a forecast result account for the year ahead.
3. Executed income and expenditures as well as forecast income and expenditures for items such as fuel, tariffs, salaries, maintenance, depreciation, exchange rates fluctuations, airport charges, insurance, statistics and income and traffic forecasts.
4. The gross margin of self-financing and treasury plans for the year ahead.

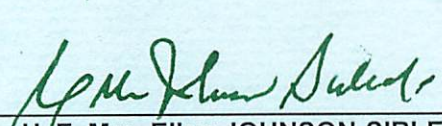


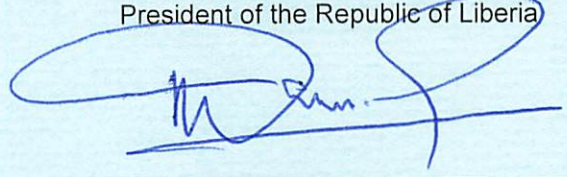

H. E. Thomas Boni YAYI
President of the Republic of Benin

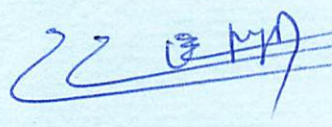
H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde

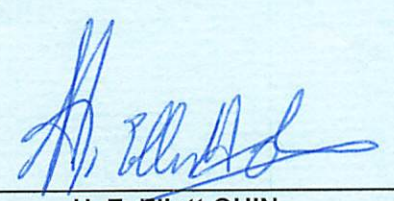

H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia

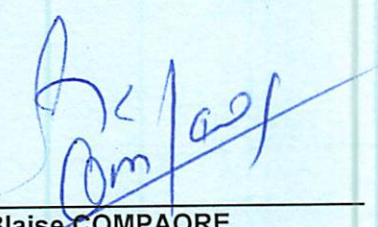

H.E. Alpha CONDE
President of the Republic of Guinea

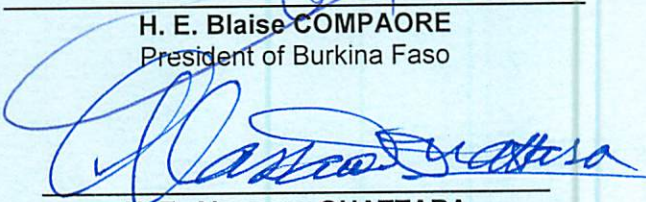

H.E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia

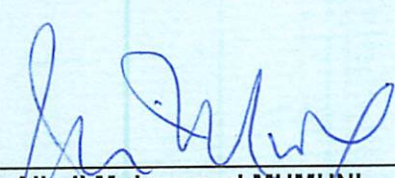

H.E. Issoufou MAHAMADOU
President of the Republic of Niger

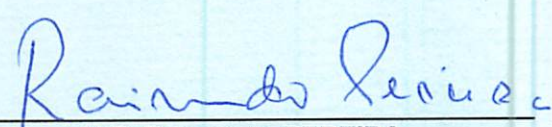

H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal

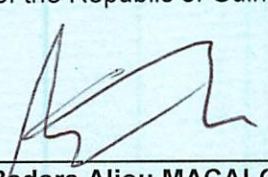

H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic

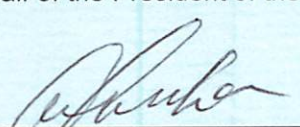

H. E. Blaise COMPAORE
President of Burkina Faso


H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire


H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana


H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau


H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali


H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS


H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone



FORTIETH ORDINARY SESSION OF THE HEADS OF STATE AND GOVERNMENT OF THE ECOWAS MEMBER STATES

Abuja, 16 to 17 February 2012

SUPPLEMENTARY ACT A/SP.11/02/12 RELATING TO COMMON RULES ON AVIATION SECURITY IN ECOWAS MEMBER STATES

THE HIGH CONTRACTING PARTIES,

MINDFUL of article 7, 8 and 9 of the ECOWAS Treaty as amended establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of article 32(1)(f) of the said Treaty which prescribes that member States encourage co-operation in flight scheduling, leasing of aircraft and granting joint use of fifth freedom rights to airlines in the region;

MINDFUL of the Supplementary Act A/SA1/2/08 particularly article 4 adopting the Community Competition Rules and the Modalities of their application within ECOWAS;

MINDFUL of Decisions A/DEC.7/7/96 and A/DEC.6/12/03 of the Authority of Heads of State and Government on the conclusion of a Multilateral Air Transport Agreement among Member States and the Liberalization of the Air Transport Sector in West Africa respectively;

RECALLING the Convention on International Civil Aviation signed at Chicago, on the 7th December 1944 and its annexes;

Handwritten signatures and initials in blue ink at the bottom of the page, including 'YM', 'AK', 'JMS', and others.



- 2 -

MINDFUL of the Decision relating to the implementation of the Yamoussoukro Declaration concerning the liberalization of Access to Air Transport Markets in Africa adopted on the 14th of November 1999 by the African Ministers in charge of civil aviation; and endorsed by the OAU Heads of State in Lome, Togo, in July 2000;

MINDFUL also of the Memorandum of Understanding (MOU) on the implementation of the Decision on the Liberalization of Air Transport in West and Central Africa signed by 23 States of West and Central Africa on 14 November 1999;

NOTING that acts of unlawful interference against civil aviation are detrimental to safe air transport;

AWARE OF the deficiencies observed in the ECOWAS member states in the framework of the Universal Security Audit Programme by the International Civil Aviation Organization (ICAO);

DETERMINED to safeguard Civil Aviation against acts of unlawful interference and also to enhance uniform Security measures within the ECOWAS region;

DESIROUS to adopt a Common Community legal framework on establishing common rules on aviation security in ECOWAS member States

ON THE PROPOSAL of the Meeting of transport Ministers held in Yamoussoukro on the 17th of September 2011;

HAVING received the opinion of the ECOWAS Parliament;

ON THE RECOMMENDATION on the Sixty-seventh session of the Council of Ministers held in Abuja, from 19 to 21 December 2011.

HEREBY AGREE AS FOLLOWS

Article I: Definitions

For the implementation of this regulation, the following terms and expressions have the following meanings:



- 3 -

Act of unlawful interference: Acts or attempted acts likely to jeopardize the safety of civil aviation and air transport, that is to say:

- Unlawful seizure of aircraft in flight;
- Unlawful seizure of aircraft on the ground;
- Hostage taking on board aircraft or on aerodromes;
- Forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- Introduction on board an aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;
- communication of false information such as to jeopardize the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility.

Aerial work. An aircraft operation in which an aircraft is used for specialized services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, and aerial advertisement.

Aircraft: Any machine that can derive support in the atmosphere from the reactions of the air other than reactions of the air against the earth's surface;

Aircraft in flight: An aircraft from the moment when all its external doors are closed following embarkation until the moment when such doors are opened for disembarkation.

Aircraft in operation: An aircraft is considered in operation from the commencement of the preparation of a flight to the end of it.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 4 -

Aircraft in service: A parked aircraft which is under surveillance sufficient to detect unauthorized access.

Aircraft maintenance area: All the ground space and facilities provided for aircraft maintenance. This includes aprons, hangars, buildings and workshops, vehicle parks and roads associated therewith. Such an area is normally designated as a security restricted area.

Aircraft not in service: An aircraft that either is parked for a period of more than 12 hours or is not under surveillance sufficient to detect unauthorized access.

Aircraft operators' documents: Air waybills/consignment notes, passenger tickets and boarding passes, bank and agent settlement plan documents, excess baggage tickets, miscellaneous charges orders (M.C.a.), damage and irregularity reports, baggage and cargo labels, timetables, and weight and balance documents, for use by aircraft operators.

Aircraft security check: An inspection of the interior of an aircraft to which passengers may have had access and an inspection of the hold for the purposes of discovering suspicious objects, weapons, explosives or other dangerous devices, articles and substances.

Aircraft security control: Inspection of the interior of an aircraft of which passengers must have had access and inspection of the bunker to discover suspicious objects, weapons, explosives or other dangerous devices.

Aircraft security search: A thorough inspection of the interior and exterior of the aircraft for the purpose of discovering suspicious objects, weapons, explosives or other dangerous devices, articles or substances.

Aircraft stand: designated location on an apron intended to be used for parking aircraft.

Airport: Piece of land specially adapted for landing, takeoff and aircrafts operation including the ancillary installations which may include requirements for traffic and service of aircraft and facilities needed to assist commercial air services.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 5 -

Airside: The movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is controlled.

Annex 17: Annex to the Chicago Convention dealing with Standards and Recommended Practices (SARPs) for the protection of international civil aviation against acts of unlawful interference

Appropriate authority for safeguarding civil aviation: Authority designated by a State, within its administration, to be in charge of the development, implementation and enforcement of the National Civil Aviation Security Program.

Apron: A defined area, on a land aerodrome, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance.

Apron passenger vehicle: Any vehicle used to convey passengers between aircraft and passenger buildings.

Baggage: Property belonging to passengers or crew and transported on board an aircraft following an agreement with the operator.

Background check: A check of a person's identity and previous experience, including where legally permissible, any criminal history, as part of the assessment of an individual's suitability to implement a security control and/or for unescorted access to a security restricted area.

Baggage container: A receptacle in which baggage is loaded for conveyance in aircraft.

Baggage sorting area: Space in which departure baggage is sorted into flight loads.

Baggage storage area: Space in which checked/hold baggage is stored pending transport to aircraft and space in which mishandled baggage may be held until forwarded, claimed or otherwise disposed of.

[Handwritten signatures in blue ink]



- 6 -

Bomb alert: A status of alert put in place by competent authorities to activate an intervention plan intended to counter the possible consequences arising from a communicated threat, anonymous or otherwise, or arising from the discovery of a suspect device or other suspect item on an aircraft, at an airport or in any civil aviation facilities.

Bomb threat: A communicated threat, anonymous or otherwise, which suggests, or infers, whether true or false that the safety of an aircraft in flight or on the ground, or any airport or civil aviation facility or any person may be in danger from an explosive or other item or device.

Cabin baggage: luggage to be carried in the cabin of an aircraft

Cargo: Any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage.

Cargo area: All the ground space and facilities provided for cargo handlings. It includes aprons, cargo buildings and warehouses, vehicle parks and roads associated therewith.

Cargo building: A building through which cargo passes between air and ground transport and in which processing facilities are located, or in which cargo is stored pending transfer to air or ground transport.

Catering stores: All items, other than catering supplies, associated with passenger in-flight services, for example newspapers, magazines, headphones, audio and video tapes, pillows and blankets, and amenity kits.

Catering supplies: food, drinks and other items and related equipment used aboard an aircraft.

Certification: A formal evaluation and confirmation by or on behalf of the appropriate authority for aviation security that a person possesses the necessary competencies to perform assigned functions to an acceptable level as defined by the appropriate authority.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 7 -

Check-in: The process of reporting to an aircraft operator for acceptance on a particular flight.

Check-in position: The location of facilities at which check-in is carried out.

Co-mail. Abbreviation of aircraft operator company mail, shipped within the company's network of stations.

Co-mail: Abbreviation of air carrier mail that it is shipping to one of its network stations.

Co-mat: Abbreviation of air carrier material that it is shipping to one of its network stations.

Commercial Flight: scheduled or non - scheduled flight activity conducted under a tenancy agreement intended for the general public or private groups subject to compensation.

Commercial air transport operation: An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

Note.- For the purpose of this manual, the term "aircraft operator" will be used instead of a "commercial air transport operator".

Community: The Economic Community of West African States as referred to in article 2 of the ECOWAS Revised Treaty;

ECOWAS Commission: ECOWAS Commission as established in article 17 of the ECOWAS Revised Treaty as amended in June 2006;

Courier traffic: fast shipments of goods (including packages) by air, road, rail and water.

Contingency plan: A "proactive" plan to include measures and procedures addressing various threat levels, risk assessments and the associated security measures to be implemented, designed to anticipate and mitigate events as well as prepare all concerned parties having roles and responsibilities in the event of an actual act of unlawful interference. A contingency plan sets forth incremental security measures that may be

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 8 -

elevated as the threat increases. It may be a stand-alone plan or included as part of the Crisis Management Plan.

Continuous Random Checks: Checks done during the entire period of operation of a screening post and during which some users are searched at random.

Chicago Convention: Convention on International Civil Aviation signed in Chicago in December 7, 1944 and its Annexes

Corporate aviation: The non-commercial operation or use of aircraft by a company for the carriage of passengers or goods as an aid to the conduct of company business, flown by a professional pilot employed to fly the aircraft.

(Note that corporate aviation is a subset of general aviation).

Council: Council of Ministers as established in article 10 of the ECOWAS Revised Treaty.

Courier service: An operation whereby shipments tendered by one or more shippers are transported as the baggage of a courier passenger on board a scheduled aircraft operator service under normal passenger hold baggage documentation.

Crew member: A person assigned by an operator to duty on an aircraft during a flight duty period.

Crisis management: Contingency measures implemented in response to increased threat levels as well as implementation of measures and procedures in response to the emergencies to include acts of unlawful interference.

Dangerous goods: Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions.

[Handwritten signatures in blue ink]



- 9 -

Deportee: A person who had legally been admitted to a State by its authorities or who had entered a State illegally, and who at some later time is formally ordered by the competent authorities to leave that State.

Note:- The competent authorities may provide an escort for such persons.

Diplomatic pouch (bag): A shipping container having diplomatic immunity from search or seizure.

Direct transit area: A special area established in an international airport, approved by the public authorities concerned and under their direct supervision or control, where passengers can stay during transit or transfer without applying for entry to the State.

Disruptive passenger: A passenger who fails to respect the rules of conduct at an airport or on board an aircraft or to follow the instructions of the airport staff or crew members and thereby disturbs the good order and discipline at an airport or on board the aircraft.

Domestic Airport: Any airport other than an international airport serving domestic traffic.

Emergency plan: The plan setting forth the procedures for coordinating the response of different aerodrome agencies (or services) and of those agencies in the surrounding community that could be of assistance in responding to the emergency.

Explosives Detector (EDS): A system or combination of different technologies that can through an alarm system detect and indicate the presence of explosive material in a luggage, regardless of the material.

Explosive substance: Solid or liquid substance (or mixture of substances) which is in itself capable by chemical reaction of emitting gases at such a temperature, pressure and speed as to cause damage in the surrounding area. This definition includes pyrotechnic substances, even if they do not emit gases. Those substances that are in themselves

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 10 -

not explosive but may produce an explosive atmosphere of gas, vapor or dust are not included.

Facilitation: Efficient management of a required control procedure to speed up the transport of persons or goods and save avoidable operational delays.

Freight: (see cargo)

General aviation branch: All activities of regular or non regular flights which are neither offered nor available to the general public.

Hold baggage: Luggage to be carried in the booth of an aircraft;

Human Factors principles: Principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance.

Human Performance: Human capabilities and limitations which have an impact on the safety, security and efficiency of aeronautical operations.

Identification cards: See Permits.

Inadmissible person: A person who is or will be refused admission to a State by its authorities. Such persons normally have to be transported back to their State of departure, or to any other State where the persons are admissible, by the aircraft operator on which they arrived. (See appropriate Standards in Annex 9 - Facilitation, Chapter 5.)

In-flight security officer: A person who is employed and trained by the government of the State of the Operator or by the government of the State of registration to be deployed on an aircraft with the purpose of protecting that aircraft and its occupants against acts of unlawful interference. This excludes persons employed to provide exclusive personal protection for one or more specific people travelling on the aircraft, such as personal bodyguards.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 11 -

Integrated/consolidated cargo: A consignment of multi-packages which has been originated by more than one person, each of whom has made an agreement for carriage by air with another person other than a scheduled aircraft operator.

Interline baggage: Baggage of passengers subject to transfer from the aircraft of one operator to the aircraft of another operator in the course of the passenger's journey.

International Airport: Any airport that the member State, in whose territory it is located, has designated as an airport of entry and exit for international air traffic and where customs, immigration, Health, veterinary and phytosanitary controls and other analogues formalities take place.

Item: Items of correspondence and other items delivered by postal administrations or their intended. The definition of postal authority / administration lies with the Member States.

Known consignor:

- a) For cargo, the person who has originally undertaken to transport the goods by aircraft for its own account and who deals with a regulated agent or airline based on the criteria of this Annex.
- b) For mail, the person who originally undertakes to carry mailings for its own account and who treats in a monitoring way with a regulated postal / administrative authority.

Known supplier of LAGs and/or Known supplier of STEBs: Entity that ensures implementation of the security controls on and protection from unauthorized interference with supplies of liquids, gels and aerosols (LAGs) or supplies of secure tamper-evident bags (STEBs), respectively, from their first point of entry on airside until their delivery to passengers. The known supplier of LAGs and/or the known supplier of STEBs fully accepts responsibility, by written declaration, for the introduction and quality control of LAGs and STEBs within the supply chain on the airside.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 12 -

LAGs: Liquids, aerosols and gels, in any volume, for sale at airport outlets (excluding food and beverages for consumption in the airport premises and not intended for carriage into the aircraft passenger cabin) or on board aircraft during the day(s) of the journey, either in the airside area or in a security-restricted area.

Landside: Area of an airport or airport terminal with unrestricted access to passengers and the general public.

Mail: Dispatches of correspondence and other items tendered by and intended for delivery to postal services in accordance with the rules of the Universal Postal Union (UPU).

Member State: A State party to the ECOWAS Revised Treaty;

Movement area: Part of an aerodrome to be used for takeoffs, landings and movement of aircraft on the surface, which includes the area of maneuvers and traffic areas.

Mishandled baggage: Baggage involuntarily, or inadvertently, separated from passengers or crew.

Movement area: That part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, consisting of the maneuvering area and the apron(s).

Narcotics control: Measures to control the illicit movement of narcotics and psychotropic substances by air.

Non-restricted area: Areas of an airport to which the public have access or to which access is otherwise unrestricted.

Non-scheduled Flights: Flights that do not exhibit the characteristics of a regular flight. Flights on demand, charter flights, VIP flight and state flight.

Permits (access card or badges): The Permit system consists of cards or other documents issued to airport employees or who for one reason or

[Handwritten signatures and initials in blue and green ink]



- 13 -

another need to be allowed access to the airport, the airside area or a restricted security zone.

Program security: Measures to protect international civil aviation against acts of unlawful interference.

Primary Explosives Detection System (PEDS): A system or combination of technology that has the ability to detect and subsequently indicate, through an alarm, the presence of an explosive contained in a luggage, irrespective of the material used in making the luggage.

Prohibited article: Object and material that and can be used to commit an act of unlawful interference and have not been properly declared and subjected to laws and regulations;

Regulated agent: An agent, freight forwarder or any other entity who conducts business with an operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo or mail.

Regular Flights: Flights possessing all of the following characteristics:

- made, for consideration, by means of aircrafts designed to carry passengers, cargo and / or mail in such a manner that on each flight, seats are available to the general public, either directly by the air carrier or its authorized agents,
- Organized so as to serve traffic between two or more points:
 - According to a public timetable ;
 - Either with a regularity or frequency that constitute a recognizable systematic series.

Restricted articles: Articles which are, in the specific context of aviation security, defined as those articles, devices or substances which may be used to commit an act of unlawful interference against civil aviation or which may endanger the safety of the aircraft and its occupants, or installations and the public.

[Handwritten signatures and initials in blue ink at the bottom of the page.]

Sabotage: Any act or deliberate omission designed to destroy maliciously or without reason any property and endangering of international civil aviation and its facilities and services or constitutes an act of unlawful interference with civil aviation and its facilities and services.



Screening: The application of technical or other means which are intended to identify and/or detect weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference.

Note:-Certain dangerous articles or substances are classified as dangerous goods by Annex 18 and the associated Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284) and must be transported in accordance with those instructions.

Security: Safeguarding civil aviation against acts of unlawful interference. This objective is achieved by a combination of measures and human and material resources.

Security audit: An in-depth compliance examination of all aspects of the implementation of the national civil aviation security programme.

Security checks for LAGs and STEBs: Visual checks or security controls, performed by security staff, for signs of interference, in particular tampering with seals, theft and the introduction of potentially dangerous devices, articles or substances. The checks should be made at the first point of entry on the airside. The checks should be made on all supplies of LAGs and STEBs to establish that they have been protected, that there is no evidence or suspicion of tampering, and that the necessary documentation is in order.

Security control: A means by which the introduction of weapons, explosives or other dangerous devices, articles or substances which may be used to commit an act of unlawful interference can be prevented.

Security equipments: means device of a specialized nature for use individually or as part of a system, in the prevention or detection of acts of unlawful interference with civil aviation and its facilities.

Security Restricted Area: Those areas of the airside of an airport which are identified as priority risk areas where in addition to access control, other security controls are applied. Such areas will normally include, inter alia, all commercial aviation passenger departure areas between the screening checkpoint and the aircraft, the ramp, baggage make-up areas, including those where aircraft are being brought into service and screened baggage and cargo are present, cargo sheds, mail centers, airside catering and aircraft cleaning premises.

Handwritten signatures and initials at the bottom of the page, including "AK", "JH", "JED", and "Com".



- 14 -

Sterile area: The area between any passengers screening point and the aircraft and to which access is strictly controlled (also called restricted security zone).

Security exercise: A full-scale security exercise is a simulated act of unlawful interference with the objective of ensuring the adequacy of the contingency plan to cope with different types of emergencies. A partial security exercise is a simulated act of unlawful interference with the objective of ensuring the adequacy of the response to individual participating agencies and components of the contingency plan, such as the communications system.

Security inspection: An examination of the implementation of relevant national civil aviation security programme requirements by an airline, airport or other entity involved in security.

Security investigation: An inquiry into any act or attempted act of unlawful interference against civil aviation and/or any alleged or suspected instance of non-compliance with the State's National Civil Aviation Security Programme or other legal and/or regulatory requirements pertaining to civil aviation security.

Security programme: Written measures adopted to safeguard international civil aviation against acts of unlawful interference.

Security survey: An evaluation of security needs including the identification of vulnerabilities which could be exploited to carry out an act of unlawful interference, and the recommendation of corrective actions.

Security test: A covert or overt trial of an aviation security measure which simulates an attempt to commit an unlawful act.

Service panel: Aircraft external access point used for providing aircraft services; such include water, lavatory, ground electrical outlets and other service compartments that have external clip-down panels.

Small arms: A general description applied to all hand-held firearms.

[Handwritten signatures and initials in blue ink]



- 15 -

State of Registry: The State on whose register the aircraft is entered.

STEBs: Security tamper-evident bags that should only be used for the sale of LAGs by airport outlets or on board aircraft.

Stores (Supplies):

- Stores (Supplies) for consumption. Goods, whether or not sold, intended for consumption by the passengers and the crew on board aircraft, and goods necessary for the operation and maintenance of aircraft, including fuel and lubricants.
- Stores (Supplies) to be taken away. Goods for sale to the passengers and the crew of aircraft with a view to being landed.

Supply of in-flight services: all items other than food supplies, which are intended to serve passengers during flight, such as newspapers, magazines, headphones, audio and video cassettes, pillows and blankets, toiletries, etc..

Supplies: consumer items to be sold or used on board an aircraft during flight, including catering service staff.

Terminal: The main building or group of buildings where the processing of commercial passengers and freight and the boarding of aircraft occurs.

Threat Image Projection (Threat Image Projection « TIP »): Software that can be installed on some x-ray luggage. The program allows the overlying of virtual images of prohibited items in the image of a real luggage subjected to X-ray control and directly contributes to increasing the capacity of the operator to detect such items.

Trace detection equipment: A system or combination of different technologies that can detect very small quantities (1 billionth of a gram) and indicate through an alarm system the presence of explosives in luggage or other items.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 16 -

Traffic area: Defined area on a land aerodrome, intended to accommodate aircraft for embarking or disembarking passengers, loading or unloading of mail or cargo, refueling or resumption of fuel, parking or maintenance.

Transfer passengers/baggage: Passengers/baggage making direct connections between two different flights.

Transit passengers: Passengers departing from an airport on the same flight as that on which they arrived.

Travel document: A passport or other official document of identity issued by a State or organization which may be used by the rightful holder for international travel.

Unaccompanied baggage: Baggage that is transported as cargo and may or may not be carried on the same aircraft with the person to whom it belongs.

Unaccompanied hold baggage: Luggage allowed in the booth of an aircraft for transportation and checked in by a passenger not on board the flight.

Unclaimed baggage: Baggage that arrives at an airport and is not picked up or claimed by a passenger.

Unidentified baggage: Baggage at an airport, with or without a baggage tag, which is not picked up by or identified with a passenger.

Unruly passengers: Persons who commit on board a civil aircraft, from the moment when the aircraft door is closed prior to take-off to the moment when it is reopened after landing, an act of:

- assault, intimidation, menace or willful recklessness which endangers good order or the safety of property (persons;

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 17 -

- assault, intimidation, menace or interference with a crew member in the performance of duties or which lesser the ability to perform duties;
- willful recklessness or damage to an aircraft, its equipment, or attendant structures and equipment such as 1 endanger good order and safety of the aircraft or its occupants;
- communication of information which is known to be false, thereby endangering the safety of an aircraft in flight;
- disobedience of lawful commands or instructions for safe, orderly or efficient operations.

Unregulated Area: Any area of an airport to which the public has access or where access is not regulated.

Vulnerable point: Any facility located at the Airport or connected thereto, where deterioration or destruction would seriously harm airport functioning.

V.I.P (Very Important Person): Passengers belonging to a certain social class, giving them the right to special treatment different from that of an ordinary passenger.

Article 2: Purpose

1. The primary objective of this Supplementary Act is to enable the ECOWAS member states ensure the safety of passengers, crew, ground personnel and the general public in all matters related to acts of unlawful interference against civil aviation in ECOWAS member States.

In this regard, the present Supplementary Act lays down measures to prevent weapons, explosives or other dangerous devices which can be used to commit an act of unlawful interference, and which the carriage of these dangerous devices is not allowed to be introduced by any means whatsoever inside buildings and sensitive facilities or any building defined as such or on board an aircraft, in civil aviation. The Supplementary Act also defines the conditions for implementing these measures.



- 18 -

2. The Supplementary Act also aims at providing a common basis for the interpretation and application of relevant provisions of the Chicago Convention, and its Annex 17 in particular.

Article 3: Scope

The provisions in this Supplementary Act shall apply to all airports in the territories of the ECOWAS Member States.

Article 4: Means of implementation

To achieve the objectives defined in Article 2 above, member States and the ECOWAS Commission shall implement the following:

- a) Define common basic standards applicable to aviation security measures;
- b) Establish appropriate mechanisms for monitoring the conformity with the application of these standards.

Article 5: Common Standards

1. The basic standards applicable to the civil aviation common security measures are based on standards and recommended practices of Annex 17 of the Chicago Convention and the norms contained in the Articles of this Supplementary Act and any other legal instrument of ECOWAS and ICAO applicable to the member States.
2. The necessary measures for the implementation and the technical adaptation of these common basic standards are adopted, by way of Regulation of the ECOWAS Council of Ministers by taking due account of the different types of operations and of the sensitive character of the related measures:
 - a) performance criteria and the possibilities of technical equipments;
 - b) detailed procedures containing sensitive information;
 - c) detailed criteria concerning exemption from security measures.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 19 -

3. Based on an assessment of local threats, if security measures specified in the Regulation which form Appendix 1 of this Supplementary Act cannot be implemented for practical reasons and objectives, ECOWAS member states may adopt security measures to ensure adequate protection in their airports. They shall notify the ECOWAS Commission of such measures.
4. The Commission examines whether the measures adopted by the Member States in accordance with paragraph 3 above are justified for practical reasons and provide adequate protection. If the measures do not meet these criteria, the Commission may advise the state to adapt and take the necessary decision.

Article 6: More stringent measures

1. Member States may apply more stringent measures than those provided for in this Supplementary Act, taking into account the relevant provisions of Annex 9 to the Chicago Convention.
2. The concerned States shall inform the ECOWAS Commission of the nature of these measures within one (1) month after their entry into force.
3. The ECOWAS Commission is responsible for communicating these measures to other states.

Article 7: National Organization for Civil Aviation Security

1. Each Member State shall establish and implement practices and procedures specified in this Supplementary Act, which will ensure appropriate aviation security necessary to operate the aircraft under normal conditions and can react quickly to cope with any increased threats against civil aviation security.
2. Within three (3) months after the entry into force of this Supplementary Act, each Member State will adopt a National Civil Aviation Security Program to ensure the application of common standards referred to in Article 5, paragraph 1 and the measures adopted pursuant to Article 5, paragraph 2.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 20 -

3. Each Member State shall designate and specify to ECOWAS Commission an appropriate authority within its administration, to be responsible for the development, implementation and maintenance of the National Civil Aviation Security Program.
4. Each Member State shall ensure that the appropriate authority arranges for the financial and human resources necessary for achieving the goals outlined in its National Civil aviation Security Program.
5. Within three (3) months following the adoption of the National Civil Aviation Security Program, each member State shall establish a National Security Committee or a similar arrangement to coordinate security activities between ministries, departments and other state agencies, airport operators and airlines and other entities involved in or responsible for the implementation of various aspects of the National Civil Aviation Security Program.
6. National Security Committee will be formed at the discretion of the States and must include the Ministries and law enforcement agencies involved in Aviation Security for civil aviation, defense, border control, customs, equipment and foreign affairs and any other ministry.
7. Each Member State shall regularly reassess the level of threat against civil aviation operations within its territory and adjust to the relevant elements of its National Civil Aviation Security Program.
8. Each Member State shall require the competent authority to define and distribute tasks and to coordinate activities between ministries, departments and other state agencies, airport operators and airlines and other entities involved in or responsible for the implementation of various aspects of the National Civil Aviation Security Program.
9. Six (6) months after the entry into force of this Supplementary Act, each Member State's competent authority shall develop and implement a National Program for Quality Control to ensure the effectiveness of its National Civil Aviation Security Program.

[Handwritten signatures in blue ink]



- 21 -

The specifications of the National Quality Control Program for civil aviation security implemented by member States in order to identify security needs and to conduct inspections of the implementation procedure and testing of security controls, to ensure the effectiveness of its National Civil Aviation Security Program shall be adopted in accordance with the procedure provided for in this Supplementary Act.

10. Each member State shall ensure that the competent authority to develop and implement a National Civil Aviation Security Training Program.
11. Each Member State shall establish at each airport, an emergency plan, emergency operations center (EOC) and facilities that are periodically tested by security drills and put in place a crisis management team for any act of unlawful interference against civil aviation.
12. Each Member State shall ensure the presence at its airports of properly trained personnel who can intervene in case of suspected or real unlawful interference against civil aviation.
13. In each Member State, airports, aircraft operators providing services from these airports, ground handlers and all service providers shall implement and maintain security programs that meet the respective requirements of its National Civil Aviation Security Program.

These programs are subject to approval by the competent authority which supervises it.

Article 8: Measures relating to airport organization

1. Each Member State shall ensure that an authority at each airport serving civil aviation is responsible for coordinating the implementation of security measures covered by the present Supplementary Act.

Handwritten signatures in blue ink at the bottom of the page.



- 22 -

2. This authority shall establish and implement an Airport security program to meet the requirements of the National Civil Aviation Security Program.
3. Each Member State shall establish a Security Committee for its airport on airports assisting the authority referred to in paragraph 1 above.
4. Airport Security Committee includes, among others, appropriate authorities, airport operators, law enforcement agencies, aircraft operators, airlines ground handling, freight forwarders, tenants, service providers and all users whose presence is deemed necessary by the State.
5. Each Member State shall ensure that, as part of the design or layout of airports, basic requirements for air terminals for passengers or cargo and other airport buildings offering direct access to the airside, are met following:
 - a) security measures for passengers, baggage, cargo, express mail and provisions and supplies of catering services for airlines;
 - b) protection and access control along runways, security restricted areas and other airport sensitive installations;
 - c) Effective use of security equipment.

Article 9: Implementation of security measures

1. Each Member State shall ensure at each airport, the presence of authorized and adequately trained personnel to implement the measures and security procedures.
2. Each Member State defines the number of authorized personnel, trained and assigned to an airport, in agreement with the authority referred to in Article 8 paragraph 1. These personnel shall be tasked with security duties only. A security official is appointed head of the security department of each structure.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 23 -

3. Each Member State shall require the competent authority to establish a performance contract between the authority referred to in Article 8 paragraph 1, and the security services to ensure efficiency and quality in the implementation of security measures and checks.

Article 10: Dissemination of information

1. Without Prejudice, right of access to the public, to community documents is strictly confidential:
 - a) Measures and Specifications related to Article 5 paragraph 2 and 3;
 - b) Inspection reports and responses from the member States referred to in paragraphs 2 and 3 of this article.

These documents can only be accessed by the authority referred to in Article 7 paragraph 3, who communicates it to relevant parties

2. In the best possible way and in conformity with applicable domestic law, member States shall treat as confidential, information from inspection reports and responses of Member States when relating to other states.
3. If it is clear that the inspection reports and answers shall not be disclosed, states or the ECOWAS Commission shall consult the Member State concerned.

Article 11: Coordination of administrative measures for civil aviation Security programs

1. The coordination of the administrative measures for the civil aviation security program and dissemination of reports is ensured by an established mechanism.
2. A coordinator will be recruited hired by the ECOWAS Commission after notice of vacancy, to oversee this process. He will be assisted

Handwritten signatures and initials in blue and green ink at the bottom of the page.



- 24 -

in his task by the Advisory Committee on Civil Aviation Security, under Article 12 below.

Article 12: Advisory Committee on Civil Aviation Security

1. There shall be established an Advisory Committee on Aviation Security for ECOWAS.
2. The Advisory committee shall be composed of two experts per Member State and a representative of ECOWAS Commission.
3. The Advisory Committee shall be chaired by the representative of ECOWAS Commission and meets in ordinary session at least once a year and extraordinarily whenever necessary.
4. The Advisory Committee for Aviation Security shall advise on all matters relating to security before it. It proposes to the Commission the program of inspections for implementation by member States of the National Quality Control for security Program, the organization of crisis management as well as any practice and procedure relating to the application of this Regulation.
5. The Advisory Committee shall adopt its rules of procedure.
6. The funding of the activities of the constituted Advisory Committee on Aviation Security shall be by the ECOWAS Commission.

Article 13: Remuneration for service delivery

Fees may be charged by ECOWAS Members State for security services provided. A Regulation from the ECOWAS Council of Ministers sets the terms of these fees.

Article 14: Cooperation with third countries

1. Member States shall provide mutual assistance and support in maintaining an acceptable level of civil aviation security, including:

[Handwritten signatures in blue ink at the bottom of the page]



- 25 -

- a) sharing as far as possible with the third States, information on the threat against the interests of those States in respect of civil aviation security;
 - b) Developing and exchanging information on their national security, civil aviation training and quality control programs as required.
2. Each member State shall establish appropriate procedures for the protection and treatment of sensitive information relating to security provided by other Member States, or sensitive information related to security with implications on the safety interests of other states and prevent that such information should be used or disclosed inappropriately.
 3. Each member State reports through the Aeronautical Fixed Telecommunication Network (AFTN) or any other of all Member States, the Registration and holding State, all the necessary information in cases when:
 - a) an aircraft is diverted to land at an airport in its territory;
 - b) a hijacked aircraft lands on its territory;
 - c) a hijacked aircraft takes off from its territory.
 4. The available information is also provided:
 - a) To any other State whose nationals were taken hostage;
 - b) To any other State whose nationals were killed or wounded;
 - c) To any other State whose nationals are known to be on board the aircraft;
 - d) To the International Civil Aviation Organization (ICAO).

Article 15: Conformity Checks

1. Six (6) months after the entry into force of this Supplementary Act in accordance with Article 19, the Commission, in cooperation with the competent authority referred to in Article 7 paragraph 3, shall

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 26 -

carry out inspections to ensure the application of this Supplementary Act by the member States.

2. The inspections call for a common methodology on conformity check shall be defined in a regulation. These inspections shall be performed by qualified inspectors, according to common criteria, and take into account information provided by the National Program for Quality Control. The methodology of these inspections is adopted by Regulation of the Council of Ministers.
3. Experts mandated by the ECOWAS Commission in conducting inspections in accordance with paragraphs 1 and 2 of this article, before performing their task shall be issued a document by Commission, specifying the nature, purpose of inspection and duration. The Commission shall inform the member States concerned of the inspections within a reasonable time frame before the scheduled inspections. The Member State concerned shall submit to such inspections and shall ensure that bodies or persons concerned also submit to it.
4. The transmission time of inspection reports to the states by the Commission, the development of action plans to remedy any deficiencies found during inspections are defined in the Supplementary Act relating to common methodology.

Article 16: Relations with third countries

Without prejudice to the responsibilities of the member States regarding the threat assessment and the typical clause for safety of air transport agreements, the Commission assisted by the Advisory Committee for Civil Aviation Security, set up in collaboration with the International Civil Aviation Organization (ICAO) African Civil Aviation Commission (AFCAC) and other regional civil aviation organizations, a mechanism to ensure that flights from airports in third countries, meet the essential security requirements.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 27 -

Article 17: Penalties for security breach

Pending Community rules on the subject, any breach of this Supplementary Act shall be subject to the requirements of the laws in force in member States.

Article 18: Report and cooperation

1. The ECOWAS Commission shall present a report to the Council on the enforcement of the Supplementary Act two (2) years after its entry into force.
2. ECOWAS Commission shall annually publish a report on the status of implementation of this Supplementary Act and the situation regarding civil aviation security in the member States.
3. The ECOWAS Commission shall enter into cooperation with other International Organizations for the purpose of implementing the present Supplementary Act.

Article 19: Implementation of the Supplementary Act

1. The member States shall take all necessary legislative and regulatory measures for effective implementation of the present Supplementary Act.
2. The ECOWAS member States shall communicate to ECOWAS Commission any measures concerning the implementation of the present Supplementary Act.

Article 20: Amendments

3. Any Member State may submit proposal for amendment or revision of this Supplementary Act to the ECOWAS Commission.

Handwritten signatures in blue ink at the bottom of the page.



- 28 -

4. Such proposed amendment shall be subject to the provisions of article 90 of the ECOWAS Treaty relating to the procedures of amendment and revision.

Article 21: Entry into Force and Publication

1. This Supplementary Act shall enter into force from the date of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.
2. It shall be published in the Official journal of the Community, within thirty (30) days of its signature by the Chairman of the Authority of the Heads of State and Government of ECOWAS.

Article 22: Depositary Authority

This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all member States and register same with the African Union (AU), the International Civil Aviation Organization (ICAO) and such other organizations as may be decided by the Council.


IN FAITH OF WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS SUPPLEMENTARY ACT


DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY 2012


IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE TEXTS BEING EQUALLY AUTHENTIC

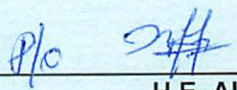
[Handwritten signatures in blue ink]

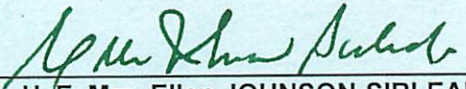


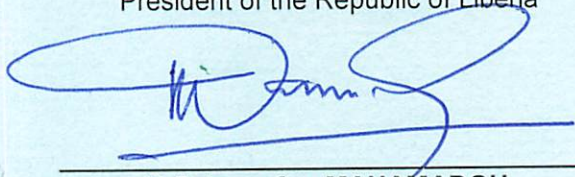

H. E. Thomas Boni YAYI
President of the Republic of Benin



H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde


H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia

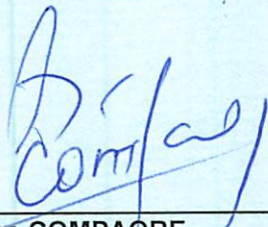

H.E. Alpha CONDE
President of the Republic of Guinea


H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia

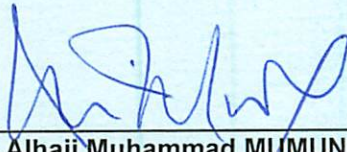

H.E. Issoufou MAHAMADOU
President of the Republic of Niger


H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal

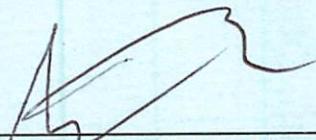

H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic

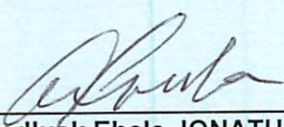

H. E. Blaise COMPAORE
President of Burkina Faso


H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire


H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana


H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau


H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali


H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS


H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone



FORTIETH ORDINARY SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Abuja, 16 to 17 February 2012

SUPPLEMENTARY ACT A/SA.12/02/12 ADOPTING THE REVISED MASTER PLAN FOR THE GENERATION AND TRANSMISSION OF THE ELECTRICAL ENERGY OF THE ECOWAS MEMBER STATES

THE HIGH CONTRACTING PARTIES;

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 28 of the said Treaty on the promotion, cooperation, integration and development of the energy projects and sectors of the ECOWAS Member States;

MINDFUL OF Decision A/DEC.5/12/99 of the 22nd Summit of the Authority of ECOWAS Heads of State and Government held on 10 December 1999 in Lome on the establishment of a West African Power Pool (WAPP);

MINDFUL of Decision A/DEC.7/01/05 of the 28th Summit of the Authority of ECOWAS Heads of State and Government held on 19 January 2005 in Accra on the ECOWAS Revised Master Plan for the generation and transmission of electrical energy;

MINDFUL of Decision A/DEC. 18/01/06 of 12 January 2006 on the Articles of Agreement on the establishment and functioning of the WAPP;

[Handwritten signatures and initials in blue ink at the bottom of the page, including a large signature on the left, a '31' in the center, and several other signatures on the right.]



- 2 -

MINDFUL of Decision A/DEC. 20/01/06 of 12 January 2006, granting the status of Specialised ECOWAS Institution to the WAPP General Secretariat;

MINDFUL of Supplementary Act A/SA.4/01/08 of 18 January 2008 adopting the implementation of the WAPP Emergency Power Supply Security Plan;

CONSIDERING that the priority WAPP projects are at different stages of implementation and that their commissioning should result in the implementation of a power pool mechanism for the integration and exploitation of the national systems in a unified regional energy market with the ultimate goal of providing reliable and regular energy at competitive costs in the medium and long terms to the West African citizens;

RECALLING that the Revised Master Plan for the generation and transmission of electrical energy, its financing plan and implementation strategy were considered on 21 and 23 September 2011 in Cotonou and that their adoption was recommended to the WAPP Executive Council and General Assembly by the WAPP Strategic Planning and Environment Committee in collaboration with the Technical and Financial Partners, the UEMOA Commission, the Sub-regional Organisations and the Experts of the Ministries of Energy of the ECOWAS Member States, as well as the national energy companies;

CONSIDERING that at its 6th Session held on 28 October 2011 in Lome the WAPP General Assembly considered and adopted through Decision WAPP/40/DEC.28/10/11, the conclusions of the Revised Master Plan for the generation and transmission of electrical energy, its financing plan and implementation strategy and also recommended that the Committee of ECOWAS Ministers of Energy adopt the Revised Master Plan;

NOTING that the measures being taken at national level to resolve the sub-regional energy crisis increase the investment requirements and therefore should be strengthened;

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 3 -

DESIROUS of putting in place a coherent framework and best investments planning in the energy sub-sector of the ECOWAS region;

ON THE RECOMMENDATION of the Sixty-seventh Ordinary Session of the Council of Ministers held in Abuja, on 19 and 21 December 2011 in Abuja;

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

This Supplementary Act hereby adopts the Revised Master Plan for the generation and transmission of electrical energy of the ECOWAS Member States for a total amount of twenty six billion four hundred and sixteen million US Dollars (USD 26,416,000,000).

ARTICLE 2

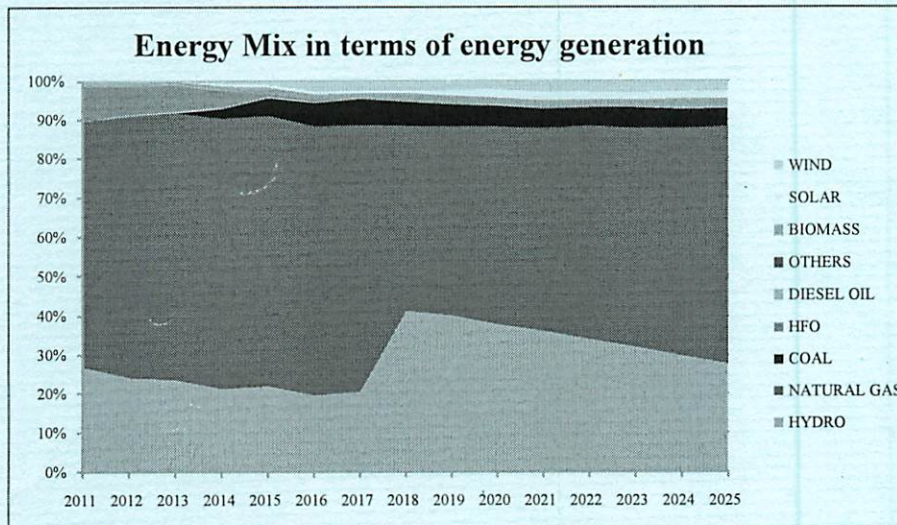
This Supplementary Act hereby equally adopts the following conclusions of the revision study on the ECOWAS Revised master Plan for the generation and transmission of electrical energy:

1. The urgent need of developing large-scale hydroelectric energy in the West African Sub-region;
2. The preservation of a balanced energy mix between the various energy sources with a view to ensuring technical and financial viability of the development plan;
3. The possibility of achieving 10% of renewable energy within the framework of the Master Plan;
4. The proposed energy mix is presented in the following chart:

[Handwritten signatures and initials in blue and black ink at the bottom of the page.]



- 4 -



5. To resort to the clean energy mechanisms, especially the carbon credits (the benchmark is the preliminary computation of carbon dioxide emissions credits resulting from the renewable energy projects; the cumulative profit is estimated at approximately 19 million tons of CO₂ per annum, equivalent to 209 million dollars per annum on the basis of 11 US Dollars per tonne).

ARTICLE 3

The projects identified in the Master Plan, annexed hereto and summarised in the table below, shall lead to total integration of the West African national electric systems:

	Number	Costs (billion US\$)
Hydroelectric Power Plant Projects (7 640 MW)	24	13.803
Thermal Power Plant Projects (2 375 MW)	5	4.263
Renewable Energy Projects (800 MW)	4	1.893
Transmission Line Projects (16 000 km)	26	6.457

Handwritten signatures and initials at the bottom of the page, including a large signature on the left, a cross-like mark in the center, and several other initials and signatures on the right.



- 5 -

ARTICLE 4

Implementation of the priority regional projects shall result in the growth of the Net Present value of US\$ 12.176 milliards for the region for the period 2012-2025.

ARTICLE 5

Installation of Power Stabilisation Systems (PSS) in the existing power generation plants, or even in future plants, shall be mandatory, and special protection and defence mechanisms such as under frequency and under-voltage shall be adopted and harmonised by the countries. Furthermore, installation of compensation equipments at strategic locations shall be required.

ARTICLE 6

To ensure effective and efficient implementation of the Revised Master Plan, the proposed implementation strategy shall be based on:

- Closer collaboration between WAPP, its members and the sub-regional organisations with a view to ensuring harmonious and coordinated development of the regional interconnected network;
- Promotion of the Specific Purpose Company (SPC) approach wherever necessary as an implementation mechanism of the project whose efficiency may alleviate or eradicate the major weaknesses that cause delays in implementation of the projects;
- Strong advocacy and support i) to individual country initiatives for greater private sector participation in the management of electricity companies, ii) for the use of prepaid meters, iii) to investments for the reduction of distribution losses and for greater energy efficiency as a means of improving the efficiency of the companies;

Fo

bmj



6 -

- Search for financing arrangements such as concessional funds and such financial instruments as carbon credits, the Global Environment Fund and the EDF for the renewable energy projects;
- Creation of a Fund to finance development activities relating to WAPP projects such as the Fund put in place by the West African Economic and Monetary Union (UEMOA). This Fund such as the World Bank, the African Development Bank, the West African Development Bank, and the ECOWAS Commission.

ARTICLE 7

In view of the anticipated considerable finance requirements, the financing sources for the priority WAPP projects shall be diversified with a view to ensuring private sector participation and bilateral cooperation.

ARTICLE 8

Member States shall put in place the appropriate institutional frameworks to facilitate the immediate implementation of the projects by specifically creating the enabling environment for private sector participation. Member States shall allocate financial resources to the EDF Fund for the development and implementation of the renewable energy projects identified in this Revised Master Plan.

ARTICLE 9

WAPP Member States and electricity companies shall take the necessary measures to improve their technical, financial and marketing performances with a view to stimulating private sector participation in the development of the electricity sub-sector of the sub-region.

ARTICLE 10

The ECOWAS Commission shall provide WAPP with the required support for resource mobilisation with a view to accelerating the implementation of this Revised Master Plan.



- 7 -

ARTICLE 11

WAPP shall put in place the Information and Coordination Centre and provide it with a complete communication system to ensure, among other things, coordinated, efficient and stable exchanges of electrical energy.

ARTICLE 12

The electricity companies shall take measures to improve their technical, marketing and financial performances and become more proactive in reducing delays in project implementation in compliance with the requirements of the Technical and Financial Partners.

ARTICLE 13

Financial resources shall be allocated, within the framework of the ECOWAS Fund for Development Financing for Transport and Energy sectors (ECOWAS-FODETE), with a view to implementing the priority WAPP projects.

ARTICLE 14

The principle of using the Specific Purpose Company model as project implementation mechanism shall be strengthened in keeping with the provisions of Supplementary Act A/SA.3/01/08 of the Thirty-Third Ordinary Session of the Authority of Heads of State and Government held on 18 January 2008 in Ouagadougou.

ARTICLE 15

The President of the ECOWAS Commission and the WAPP General Secretary shall, each within his own purview, take the necessary measures to ensure effective implementation of this Supplementary Act.

ARTICLE 16

This Supplementary Act shall enter into force upon its signature and shall be published by the Commission in the Official Journal of the Community within thirty (30) days after its publication. It shall also be published by each Member State in its National Gazette upon notification thereof by the Commission.



- 8 -

ARTICLE 17

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all Member States and register it with the African Union, the United Nations Organisation and such other organisation as Council may determine.

**IN WITNESS WHEREOF WE, THE HEADS OF STATE AND
GOVERNMENT OF THE COMMUNITY OF WEST AFRICAN STATES,
HAVE SIGNED THIS SUPPLEMENTARY ACT**

DONE AT ABUJA, THIS 17TH DAY OF FEBRUARY 2012

**IN A SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND
PORTUGUESE LANGUAGES, ALL THREE (3) TEXTS BEING
EQUALLY AUTHENTIC**

to



- 9 -

GENERATION

	PROJECTS		COSTS
1	Félou Hydroelectric Power Plant 60 MW 350 GWh	OMVS	170
2	PUSAE – Aboadze Thermal Power Plant 400 MW	WAPP	356
3	PUSAE – Maria Gléta Thermal Power Plant 450 MW	WAPP	401
4	Kaléta Hydroelectric Power Plant 240 MW - 946 GWh	Guinea	267
5	Mount Coffee Hydroelectric Power Plant 66 MW 435 GWh	WAPP	383
6	Sendou Coal Power Plant 875 MW	Senegal	2 532
7	Gouina Hydroelectric Power Plant 140 MW - 565 GWh	OMVS	329
8	OMVG - Sambangalou Energy Project 128 MW - 402 GWh	OMVG	433
9	Adjaralla Hydroelectric Power Plant 147 MW 366 GWh	WAPP	333
10	Balassa Hydroelectric Power Plant 181 MW - 401 GWh	OMVS	171
11	Badoumbé Hydroelectric Power Plant 70 MW - 410 GWh	OMVS	197
12	Souapiti Hydroelectric Power Plant 515 MW 2518 GWh	WAPP	796
13	Bumbuna Hydroelectric Power Plant 400 MW 1 560 GWh	WAPP	520
14	Fomi Hydroelectric Power Plant 90 MW 374 GWh	ABN	156
15	Soubré Hydroelectric Power Plant 270 MW 1 120 GWh	Cote d'Ivoire	620
16	Burkina Faso Solar Power Plant 150 MW	WAPP	549
17	Koukoutamba Hydroelectric Power Plant 281 MW - 455 GWh	OMVS	404
18	Senegal and Gambia Windfarm - 200 MW	WAPP	318
19	Gribo Popoli Hydroelectric Power Plant 112 MW – 515 GWh	Cote d'Ivoire	364
20	Boutoubéré Hydroelectric Power Plant 156 MW – 785 GWh	Cote d'Ivoire	401

Handwritten signatures and initials at the bottom of the page, including "KO", "bam", "AK", and others.



- 10 -

21	Louga Hydroelectric Power Plant 280 MW – 1 330 GWh	Cote d'Ivoire	1 330
22	Kassa Hydroelectric Power Plant B 135 MW 528 GWh	WAPP	214
23	Amaria Hydroelectric Power Plant 300 MW 1 435 GWh	WAPP	377
24	Tiboto Hydroelectric Power Plant 225 MW 912 GWh	WAPP	578
25	Zungeru Hydroelectric Power Plant 700 MW 3 019 GWh	WAPP	1 077
26	Salkadamna (Niger) Coal Thermal Power Plant 200 MW	Niger	573
27	Mali Solar Power Plant 150 MW	WAPP	549
28	Boureya Hydroelectric Power Plant 160 MW - 455 GWh	OMVS	373
29	DIGAN Hydroelectric Power Plant 93,3 MW 243 GWh	OMVG	112
30	Grand Kinkon Hydroelectric Power Plant 291 MW 720 GWh	WAPP	298
31	Lome CC Thermal Power Plant 450 MW	WAPP	401
32	Mambilla Hydroelectric Power Plant 2 600 MW 11 214 GWh	WAPP	4 000
33	Northern Nigeria Windfarm 300 MW	WAPP	477

TRANSMISSION

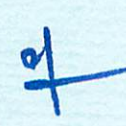
	PROJECTS		COSTS
1	225 kV Line Ferkessédougou (Cote d'Ivoire) - Ségou (Mali) 370 km	WAPP	175
2	Reinforcement of Laboa – Boundiali - Ferkessédougou 285 km	Cote d'Ivoire	100
3	330 kV Coastal Ridge Line - Volta (Ghana) - Lome C (Togo) - Sakete (Benin)	WAPP	84
4	225 kV Line Bolgatanga (Ghana) - Ouagadougou (Burkina) 206 km	WAPP	74
5	225 kV Line Han (Ghana) - Bobo Dioulasso (Burkina) - Sikasso - Bamako (Mali)	WAPP	230
6	225 kV CLSG double-circuit Line 1060 km	WAPP	430

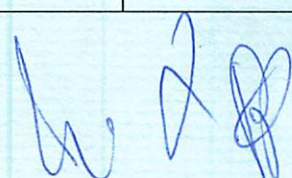
Handwritten signatures and initials at the bottom of the page, including "Ed", "Bmy", and several other illegible marks.

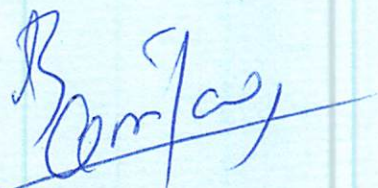
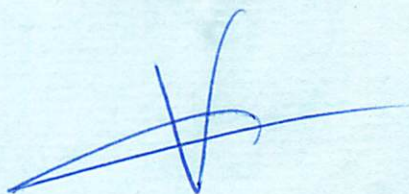


- 11 -

7	330 kV Coastal Ridge Line - Aboadze (Ghana) - Riviera (Cote d'Ivoire)	WAPP	57
8	OMVG Energy Project - 225 kV Buckle 1677 km	OMVG	577
9	225kV Line Kayes (Mali) – Tambacounda (Senegal) 280 km	OMVS	6
10	330 kV Line – Internal Ridge between Prestea and Bolgatanga 640 km	Wapp	24
11	330 kV Line North Corridor 832 km between Birnin Kebi (Nigeria) – Niamey (Niger) – Malanville (Benin) – Ouaga Burkina	WAPP	54
12	760 kV Super Grid Line across Nigeria 2 700 km	WAPP	2 000
13	Reinforcement of 225 kV CLSG Second Circuit 1060 km	WAPP	69
14	225 kV Line Linsan (Guinea) - Fomi (Guinea) - Bamako (Mali) and Fomi - N'Zerekore 1350 km	WAPP	550
15	Reinforcement of the 225 kV Line Soubré - Taabo – Yopougon 2	Cote d'Ivoire	69
16	225 kV double-circuit line Linsan (Guinea) - Manantali (Mali) -	OMVS	131
17	Reinforcement of the section Manantali - Bamako - Sikasso	Mali/OMVS	151
18	225 kV Line San Pedro (Cote d'Ivoire) - Buchanan 400 km	WAPP	100
19	225 kV double-circuit Line Fomi (Guinea) - Boundiali (Cote d'Ivoire) 380 km	WAPP	111
20	Reinforcement Linsan - Fomi 430 km	WAPP	65
21	Reinforcement Boundiali - Ferkessédougou - Bobo Dioulasso - Ouagadougou 716 km	WAPP	103
22	330 kV Medium Ridge Line 713 km	WAPP	238
23	225 kV Line Salkadamna - Niamey 190 km	Niger	72
24	Reinforcement of OMVG's Western section	OMVG	141
25	Reinforcement of the Coastal Ridge section Lome C - Sakete	WAPP	46
26	Reinforcement Benin - Nigeria 330 kV double-circuit - Sakete and Omotosho 120 km	WAPP	39



H. E. Thomas Boni YAYI
President of the Republic of Benin

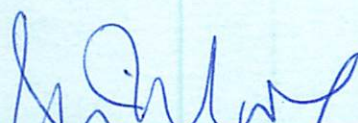
H. E. Blaise COMPAORE
President of Burkina Faso

H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde

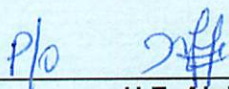
H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire



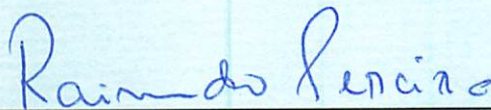
H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia



H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana



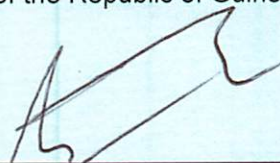
H.E. Alpha CONDE
President of the Republic of Guinea



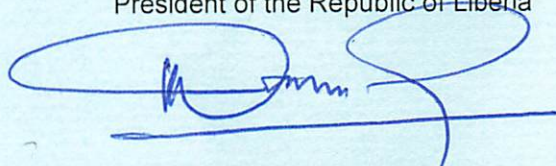
H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau



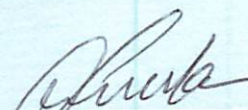
H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia



H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali



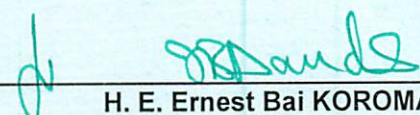
H.E. Issoufou MAHAMADOU
President of the Republic of Niger



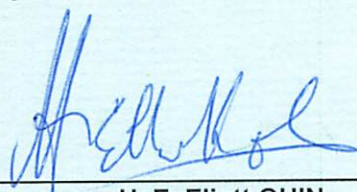
H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS



H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal



H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone



H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic

COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE DE
L'OUEST



ECONOMIC COMMUNITY OF
WEST AFRICAN STATES

FORTIETH ORDINARY SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Abuja, 16 to 17 February 2012

SUPPLEMENTARY ACT A/SP.13/02/12 ON SANCTIONS AGAINST MEMBER STATES THAT FAIL TO HONOUR THEIR OBLIGATIONS TO ECOWAS

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the Revised ECOWAS Treaty creating the Authority of Heads of State and Government and defining its functions and composition;

RECALLING that ECOWAS has created supranational bodies whose decisions are binding and therefore, applicable directly and in their entirety, in Community Institutions as well as in Member States, with the aim of enhancing their effectiveness;

RECALLING also that ECOWAS has granted its political and judicial Institutions the capacity to enforce compliance and apply the decisions of its supranational bodies;

CONSIDERING that Article 77 of the ECOWAS Treaty stipulates that the Authority can take sanctions against Member States that fail to honour their obligations to the Community;

CONSIDERING that the Protocol A/SP1/12/01 on Democracy and Good Governance, supplementing the ECOWAS Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security in its Article 45 stipulates that the Community can impose different sanctions on Member States where democracy has been disrupted through whatever means;

Handwritten signatures and initials in blue ink at the bottom of the page, including "BD", "YM", "pm", "JRD", "H", "K", and "B".



- 2 -

CONSIDERING that Article 9 of the Supplementary Protocol A/SP1./01/05 amending the Protocol relating to the Court of Justice grants this Court the competence to consider cases of non-fulfilment by Member States of obligations incumbent upon them by virtue of the ECOWAS Treaty, Conventions and Protocols, Regulations, Decisions and Directives ;

NOTING that the community provisions in force do not define the obligations, for which non-application or non-fulfilment exposes Member States to sanctions;

DESIRING to establish appropriate sanctions to ensure suitable, just and equitable application;

CONVINCED that the Community can only impose sanctions which are effective and actually applicable against Member States or their leaders, if it has a well-defined sanctions system;

DESIROUS to adopt such a system which would comprise obligations when unfulfilled, are likely to lead to the imposition of sanctions, bringing together in a single document the range of applicable sanctions and defining the modalities for the implementation of the said sanctions, by specifying in particular, the procedures for imposing and lifting sanctions;

ON THE PROPOSAL of the Meeting of Ministers of Justice of Member States held in Abuja on 16 to 17 May 2011;

ON THE RECOMMENDATION of the sixty-seventh ordinary session of the Council of Ministers held in Abuja from 19 to 21 December 2011;

[Signature]

RO

[Signature]

[Signature]

[Signature]

[Signature]

ALC

[Signature]



AGREE AS FOLLOWS:

CHAPTER 1

OBLIGATIONS FOR WHICH NON-FULFILMENT IS LIKELY TO ENGENDER SANCTIONS AGAINST MEMBER STATES

Article 1: Compulsory Acts to be observed and enforced by Member States

Member States shall apply and observe Acts of the Authority and Council of Ministers which include the ECOWAS Treaty, Conventions, Protocols Supplementary Acts, Regulations, Decisions and Directives of the Community.

Article 2: Categories of obligations of Member States

1. The obligations contained in the Acts described in Article 1 of this Supplementary Act are divided into two categories. They are those Acts that aim to create within Member States and at the regional level, an atmosphere of true and lasting peace, void of all threat and infringements to constitutional order and those which aim at strengthening and accelerating the process of regional integration.
2. The following shall among others constitute the obligations of Member States, to:
 - i) respect and protect human rights, the rule of law, democracy and constitutional order;
 - ii) ratify ECOWAS Protocols and Conventions;
 - iii) dismantle tariff and non-tariff barriers which hinder the free movement of persons, goods, the right of residence and establishment;
 - iv) pay all financial obligations in general and in particular apply the texts in the Community Levy;
 - v) promptly apply texts adopting the integration policies, projects and programmes of the Community;
 - vi) apply the mandatory texts described in Article 1 of this Supplementary Act;

EO

Comy

HC



- 4 -

- vii) prohibition of the adoption of measures or positions contrary to democratic governance and respect for the Rule of Law, or likely to constitute either a serious threat to regional security or gross and severe human rights abuses, or trigger a humanitarian disaster ;
 - viii) refrain from adopting and implementing all measures likely to subvert or compromise the strengthening the process of regional integration.
3. Judgments of the Court shall be binding on the Member States, the Institutions of the Community and on individuals and corporate bodies.

CHAPTER 2

SANCTIONS APPLICABLE IN THE EVENT OF NON-FULFILMENT OF OBLIGATIONS

Article 3: Principle for Sanctions

1. Member States or their leaders that fail to honour their obligations to the Community shall be liable to judicial and political sanctions.
2. Leaders of Member States, members of their families and their associates shall also have sanctions imposed on them as stipulated in paragraph 1 of this Article.

Article 4: Purpose of sanctions

1. The aim of imposing sanctions must be to prevent the non-respect or non-application of mandatory Acts defined in Article 1 above from having harmful effects on the functioning of the Community and its Institutions. It is to prevent that such behaviour by Member States from compromising the implementation of Community programmes and lead to gradual blockage in the activities of the Community.

FO [signature] [signature] [signature] [signature] [signature] [signature] [signature]



- 5 -

2. Sanctions must encourage Member States to respect and enforce all mandatory Acts of the Community. They must promote the elimination of all obstacles to regional integration and facilitate the achievement of Community goals.
3. To be effective, sanctions to be imposed against Member States must aim at creating conditions for the restoration of normal constitutional processes, when they are imposed for example, in the case of a breakdown in democracy. They must also allow for the righting of a wrong or the acknowledgement of a right denied a citizen, where this right has been conferred by a mandatory Act. The aim of sanctions must be to strengthen the Community and make her more effective.
4. As far as it is possible, sanctions shall not affect the delivery of humanitarian aid to people in the concerned Member State.

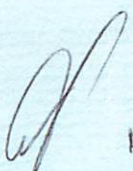
Article 5: Judicial Sanctions

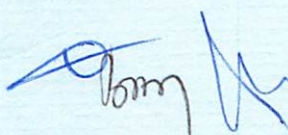
The Community Court of Justice shall deliver judgments which include but not limited to financial sanctions against Member States in application of Article 24, Paragraph 1 of the Protocol relating to the Community Court of Justice as amended by Article 6 of the Supplementary Article A/SP01/01/05 of 19 January 2005 when it notices that they have failed to honour their obligations as stated in the Community texts.

Article 6: Political sanctions

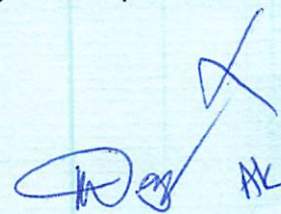

Sanctions applicable against Member States that do not honour their obligations to the Community may include:

- (i) suspension of any new loans or new assistance granted by the Community;
- (ii) suspension of disbursements for all ongoing loans, projects and Community assistance programmes;
- (iii) non-acceptance of applications to statutory and professional positions within Community Institutions;

 ED

 tom





- 6 -

- (iv) suspension of the right to vote;
- (v) suspension from participation in Community activities;
- (vi) non-support of applications presented by Member States to elective positions in international organisations;
- (vii) refusal to organise meetings in the concerned Member State;
- (viii) suspension of the concerned Member State from all ECOWAS decision-making organs. During the suspension period, the concerned Member State shall continue to pay its contributions to the Community ;
- (ix) travel ban on the leaders their families and their associate, notwithstanding community provisions on free movement of persons;
- (x) freeze their financial assets;
- (xi) recall by other Member States of their Ambassadors from the country where there is a breakdown of democracy;
- (xii) embargo on arms entering the concerned Member State;
- (xiii) ban on standing for the Chairmanship of the Community;
- (xiv) condemnation and refusal to acknowledge unconstitutional Governments;
- (xv) Peace enforcement or restoration of constitutional order by use of legitimate force.

Article 7: Definition of the content of some sanctions

To facilitate consistent and equal application to all Member States, the sanctions below are defined in the following provisions.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 7 -

Article 8: Suspension from participation in ECOWAS activities

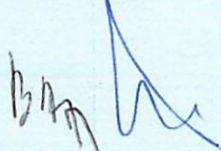
1. When a Member State is suspended from participating in ECOWAS activities, ECOWAS Institutions shall not invite or admit the representatives of this country to its meetings, regardless of the place where these meetings are held. ECOWAS Institutions shall suspend the implementation or monitoring of all projects and programmes underway in this country. All consultations with the leaders of the suspended Member State on Community activities shall cease.
2. The leaders of the suspended Member States shall not be members of any committee constituted by ECOWAS to prepare or monitor the implementation of Community projects or to manage or settle issues regarding the Community. No leader of the suspended country shall be a member of any ECOWAS delegation representing the Community before international authorities or in the implementation of any Community activity.
3. The territory of the suspended Member State shall not be used to hold any meeting or event organised or supported by ECOWAS.
4. When a Member State is suspended from participating in the activities of the Community, these activities shall include all activities organised or co-organised by ECOWAS, within as well as outside the sub-region.

Article 9: Travel ban on leaders, their families and associates

1. When leaders of a Member State, members of their families and associates are banned from travelling, the other Member States, without prejudice to the fullness of their powers and the relevant provisions of the ECOWAS Protocols on Free Movement of Persons, Goods, the Right of Residence and Establishment, shall :
 - a) impose on them restrictions on any travel they shall make to the other Member States;
 - b) impose restrictions on the use of their airspace or territorial waters;
 - c) expel them from their territory;

 E20













- 8 -

2. The afore-mentioned travel restrictions shall apply on all occasions except when the leaders under the travel ban are invited by ECOWAS, African Union, European Union and the United Nations or when the travel is for humanitarian reasons.

Article 10: Recall by other Member States of their Ambassadors accredited to a country

When the Authority of Heads of State and Government decides on other Member States recalling their Ambassadors accredited to a country, all diplomatic relations with that country shall also be suspended.

Article 11: Embargo on arms entering a Member State

1. When the Authority of Heads of State and Government decide to place an embargo on arms entering a Member State, other Member States shall put in place an embargo on the delivery of arms, ammunitions, and military equipment to this country. Other Member States shall prevent:
 - a) the sale and/or supply to a country under embargo, by their citizens or from their territory, or through their ships or aircrafts, of weaponry and related materials of all types, including arms and ammunitions, military vehicles and equipments, police equipment and related spare parts;
 - b) entry on the territorial waters of the country under embargo on its territory, of any means of transport carrying weaponry or related materials of all types, including arms and ammunitions, military and police vehicles and related spare parts.
2. When an arms embargo has been decided against a country, the President of the Commission shall not accede to any requests for exemption from the application of the provisions of the ECOWAS Convention on Small Arms and Light Weapons in relation to the prohibition of the transfer of the said arms to the territories of Member States, that the leaders of the country under embargo may make for security reasons, in order to equip public security forces or for the organisation of international peacekeeping operations.

[Signature] *ES*

[Signature] *Ben*

[Signature]

[Signature] *HC*

[Signature]



- 9 -

The President of the Commission shall cease to notify the leaders of the country under embargo, of requests for exemption from the application of the Convention on Small Arms and Light Weapons that he may receive from other Member States, and the responses he will give to such requests.

3. Other Member States shall ensure the strict surveillance of the coastal areas, land borders and air spaces, in order to prevent any violation of the arms embargo by the country against which this sanction has been imposed.

Article 12: Ban on standing for Presidential office in Member States

The perpetrators of Coup d'Etat and their accomplices, governments seeking to remain in power and prevent any possibility of alternation by changing the constitution, as well as participants and beneficiaries of all other anti-constitutional changes shall not stand for presidential office in their respective Member State. ECOWAS and its Member States shall not recognise governments arising from power obtained through such means.

CHAPTER 3

MODALITIES FOR IMPLEMENTING SANCTIONS

Article 13: Application of sanctions

The sanctions defined in Articles 5 to 11 of this Supplementary Act shall be enforced in increasing order of severity.

[Handwritten signatures and initials at the bottom of the page, including 'Ed', 'Bohy', '93D', and several other illegible marks.]



- 10 -

Article 14: Power of Initiative

The procedure expected to lead to the application of sanctions against Member States failing to honour their obligations to the Community are implemented:

- a) upon decision of the Authority of Heads of State and Government;
- b) at the request of a Member State;
- c) on the recommendation of the President of the Commission.

Article 15: Allegations of non-compliance or non fulfilment of obligations by Member States

1. Cases of non-compliance or non-fulfilment by Member States of their obligations to the Community may be reported by any individual or corporate entity of a Member State, any Community Institution, Member State and may be ascertained by the Council of Ministers of the Authority of Heads of State and Government.
2. The allegations by individuals and legal entities shall be addressed to National Authorities responsible for regional integration or the President of the Commission. When these allegations are addressed to national authorities, the latter shall forward same to the President of the Commission without delay. Allegations by Institutions shall be addressed to the President of the Commission. All allegations shall be presented to the Council of Ministers through the President of the Commission.
3. The President of the Commission shall notify the Member State concerned of the allegation against it and grant it a period of thirty (30) days with effect from the date of notification, to honour the obligations which it is accused of failing to honour, or present a case in its defence.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 11 -

4. At the expiration of the afore-mentioned thirty (30) day deadline, the President of the Commission shall have a thirty (30) day period to verify whether the concerned Member States has honoured its obligations to the Community. If this is the case, the President of the Community shall inform the initiator of the allegation and present a report to the Council of Ministers at its next Session.

Article 16: Indictment of the Member State that fails to honour its obligations to the Community

1. If, following investigations by the President of the Commission, it is revealed that the Member State has failed to respect or fulfil its obligations, and that after the start of the investigations, the concerned Member State has made no effort to remedy this, the President of the Commission shall make a report contained in a Memorandum addressed to the Council of Ministers.
2. The Council of Ministers shall consider the Memorandum presented by the President of the Commission and set a deadline for the concerned Member State within which it must honour the obligations it is being accused of having failed to respect or fulfil.
3. If at the end of the deadline set by the Council of Ministers, the concerned Member State has still not fulfilled its obligations, the Council of Ministers shall make recommendations to the Authority of Heads of State and Government on the sanctions to be imposed on the concerned Member State, their leaders, members of their families and associates. The Authority shall impose appropriate sanctions.
4. Sanctions imposed against any Member State shall not be subject to appeal before the Community Court of Justice or any other court.

Article 17: Suspension of application of sanctions against a Member State

1. Any Member State, that temporarily finds itself unable to honour the obligations described in Articles 1 and 2 of this Supplementary Act for reasons other than disasters or exceptional circumstances that seriously affect its economy, peace, security and political

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 12 -

stability, shall inform the President of the Commission of the circumstances without delay.

2. When, in application of paragraph 1 of this Article, the President of the Commission is informed, the latter shall make a report to the Council of Ministers requesting that no sanctions be taken against the concerned Member State or that the provisions on sanctions be benevolently enforced on the Member State, until such a time as the disasters or exceptional circumstances affecting the country no longer exist.

Article 18: Notification of sanctions

1. Member States shall be immediately notified of sanctions imposed on them. Other Member States as well as all Community Institutions shall also receive notifications by the President of the ECOWAS Commission.
2. The Act referred to in paragraph 1 of this article shall be published in the Official Journal of the Community by the ECOWAS Commission.

Article 19 Application of sanctions and monitoring of their implementation

1. All Member States and Community Institutions shall take the necessary measures to ensure that the Decisions by which sanctions are imposed are fully applied.
2. The President of the ECOWAS Commission shall put in place a Committee for monitoring the implementation of sanctions. The Commission shall, within its means, render the assistance required by the concerned Member State to carry out the obligations it has failed to honour.

Article 20: Suspension of sanctions

1. If no session of the Council of Ministers and the Authority of Heads of State is held in the two (2) months following the observation by the President of the Commission that the Member State concerned has fulfilled its obligations, the President of the Commission shall

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 13 -

propose to the current Chairman of the Council of Ministers, who is acting on behalf of the Authority, to suspend the sanctions taken against the concerned Member State.

2. The President of the Commission shall inform the Council of Ministers of the recommendations of its Chairman and the suspension decision taken by the Chairman of the Authority at the next session of the Council
3. A Member State which fails to honour its obligations shall after sanctions proceedings have been commenced against it, present a request to the Council of Ministers through the President of the Commission, for a special time frame allowing it to ensure the respect and fulfilment of its obligations. In this case, the Chairman of the Council of Ministers, on behalf of the Council of Ministers, shall make recommendations to the Chairman of the Authority of Heads of State and Government on the lifting of sanctions. The Chairman later acting on behalf of Authority, after private consultation with his peers, may accede to the request.
4. If at the end of the special time frame, the defaulting Member State honours its obligations, no sanction procedure will be commenced against it. If the Member State does not honour its obligations, the Authority shall impose appropriate sanctions against it.

Article 21: Lifting of Sanctions

1. Once it has honoured its obligations, the Member State under sanctions shall inform the President of the Commission of its compliance. The President of the Commission, after ensuring that this is the case, shall present a report to the Council of Ministers by way of a Memorandum. The Council of Ministers, after having noted that the sanctions are no longer necessary, shall recommend their immediate removal to the Authority of Heads of State and Government.
2. Sanctions shall be lifted if, from the opinion of the Heads of State and Government, and on the basis of a substantiated report prepared by an independent body set up by the President of the Commission, the concerned Member State failed to honour its

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 14 -

obligations due to reasons and circumstances beyond its control and if, the defaulting Member State satisfies conditions allowing for the sanctions against it to be lifted.

CHAPTER 4

FINAL PROVISIONS

Article 22: Amendment and Revision

1. Any Member State, the Council of Ministers or the ECOWAS Commission may submit proposals for the amendment or revision of this Supplementary Act.
2. Any proposal not originating from the ECOWAS Commission shall be submitted to it. The Commission shall notify Member States no later than thirty (30) days after receipt of such proposals. The Authority shall consider proposals on amendments and revisions after the three (3) month notice period given to Member States.
3. Amendments and revisions shall be adopted by the Authority and shall enter into force upon their publication in the Official Journal of the Community.

Article 23 Publication

This Supplementary Act shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signing by the Heads of State and Government. It shall also be published by each Member State in its National Gazette within thirty (30) days of notification by the Commission.

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 15 -

Article 24: Entry into force

This Supplementary Act shall enter into force upon its publication. Consequently, Member States shall undertake to commence implementation of its provisions upon its entry into force.

Article 25: Miscellaneous Provisions

The Supplementary Act shall supersede any other contrary provisions.

Article 26: Depository Authority

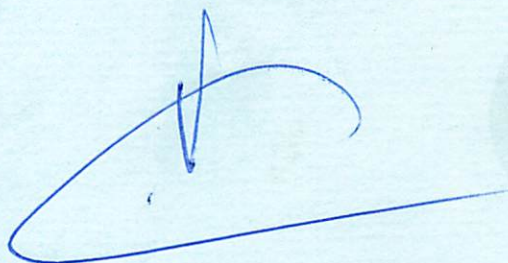
This Supplementary Act shall be deposited at the Commission which shall forward certified copies to all Member States and shall register same with the African Union, United Nations Organisation and all other organisations selected by the Council.

**IN FAITH WHEREOF, WE, THE HEADS OF STATE AND
GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC
COMMUNITY OF WEST AFRICAN STATES (ECOWAS), HAVE
SIGNED THIS SUPPLEMENTARY ACT**

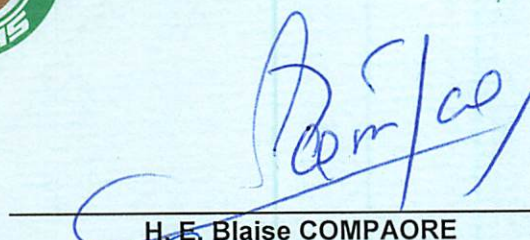
DONE AT ABUJA, THIS 17TH DAY OF FEBRUARY, 2012

**IN SINGLE ORIGINAL IN ENGLISH, FRENCH AND PORTUGUESE
LANGUAGES, ALL TEXTS BEING EQUALLY AUTHENTIC**

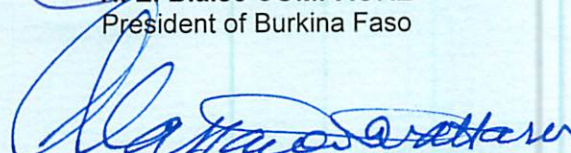
[Handwritten signatures in blue ink]



H. E. Thomas Boni YAYI
President of the Republic of Benin



H. E. Blaise COMPAORE
President of Burkina Faso

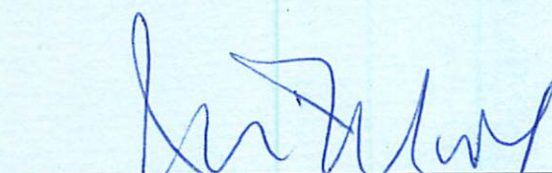


H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire

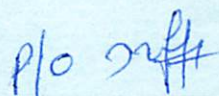
H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde



H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia



H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana



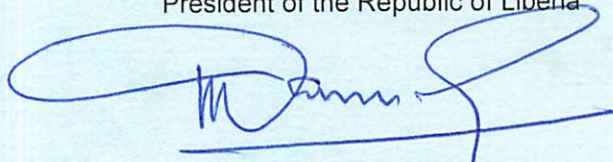
H.E. Alpha CONDE
President of the Republic of Guinea



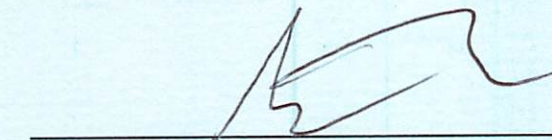
H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau



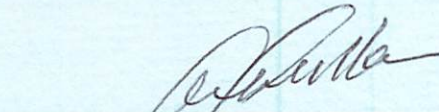
H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia



H.E. Issoufou MAHAMADOU
President of the Republic of Niger



H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali



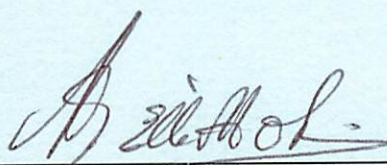
H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS



H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal



H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone



H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic



Fortieth Ordinary Session of the Authority of Heads of State and Government

Abuja, 16 to 17 February 2012

SUPPLEMENTARY ACT A/SP.16/02/12 ADOPTING THE ECOWAS MINERAL DEVELOPMENT POLICY (EMDP) AND ITS IMPLEMENTATION MATRIX

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Revised Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 31 of the ECOWAS Revised Treaty signed in Cotonou on 24 July 1993 that prescribes that Member States shall harmonize and coordinate their policies and programmes in the field of natural resources and also coordinate their programmes for development and utilization of mineral and water resources;

MINDFUL of Regulation C/REG.3/5/09 relating to the development of Mineral Resources and the organization of the mining sector within ECOWAS;

MINDFUL of Directive C/DIR.3/5/09 relating to the Harmonization of Guiding Principles and Policies in the Mining Sector, enjoining Member States to take the required measures for the implementation of the said Directive and of its Action Plan by 01 July 2014;

MINDFUL of Supplementary Protocol AP/SP1/12/01 of 21 December 2001 on Democracy and Good Governance which prescribes the principles of good political, economic and social governance;

[Handwritten signatures in blue ink]



- 2 -

MINDFUL also of ECOWAS Protocol A/P1/5/79 of May 1979 on Free Movement of People and Goods;

MINDFUL of Supplementary Act A/SA4/12/08 relating to ECOWAS ENVIRONMENT Policy;

CONSCIOUS of the need to promote a Mineral sector environment conducive to sustainable macroeconomic development and thus ensure a balance between incentives to investors and protection of the income base and resources of Member States;

AWARE of the need to acquire basic geological and mineral information through a systematic programme;

ACKNOWLEDGING the importance and specific needs of Artisanal and Small Scale Mining;

RECOGNIZING the need for Member States to develop, manage and promote their mineral resources so as to maximize the benefits of mineral revenue that accrue from mineral exploration;

RECOGNIZING also the need to promote the participation of national private sector and public private partnership in the mineral sector which encourage the acquisition of skills and increase professional opportunities for Member States citizens;

CONVINCED that in order to ensure the effective implementation of an ECOWAS Mineral Development Policy, it is imperative to attach a coherent and realistic Implementation Matrix that will ensure the development of capacity building programme in Member States;

AWARE of the need to protect and preserve the environment, the health and safety of mining Communities from the negative impacts of mineral development operations, especially in mineral rich areas;

DESIROUS of adopting a harmonized institutional legal and regulatory framework in the mineral sector which is modern, transparent, accessible, competitive and in line with international best practice;

BO

AR ORD

[Handwritten signatures and initials in blue ink]



- 3 -

ON THE PROPOSAL of the third Meeting of ECOWAS Ministers in charge of Mineral Resource Development held in Accra on 3rd June 2011;

ON THE RECOMMENDATION of the sixty-sixth Ordinary Session of the Council of Ministers held in Abuja from 17 to 19 August 2011;

AGREE AS FOLLOWS

Article 1

By this Supplementary Act, the ECOWAS Mineral Development Policy and its Implementation Matrix are hereby adopted.

Article 2

The general vision of the ECOWAS Mineral Development Policy shall be to promote the harnessing of mineral resource capital, facilitate sustainable economic growth and integrated socio-economic development in the region.

Article 3

The overall objective of the ECOWAS Mineral Development Policy shall be to promote the development of an efficient mineral sector in the region by improving geological and mineral information, regulating and developing Artisanal and Small Scale Mining and ensuring the mainstreaming of Mineral Operators Corporate Social Responsibility in local development plans of Mineral Communities.

Article 4

Member States shall ensure the harmonization of the national mineral policies with the ECOWAS Mineral Development Policy referred to in Article 1 of this Supplementary Act.

40



- 4 -

Article 5

The ECOWAS Commission shall take necessary measures to diligently implement the ECOWAS Mineral Development Policy and its Implementation Matrix.

Article 6

This Supplementary Act shall be published by the ECOWAS Commission in the official journal of the Community within thirty (30) days after its signature. It shall also be published by each Member State in its official Gazette thirty (30) days after its notification by the Commission.

Article 7

1. This Supplementary Act shall enter into force upon its publication. Consequently, signatory Member States undertake to commence the implementation of its provision on its entry into force.
2. This Supplementary Act shall be attached as an annex to the ECOWAS Treaty of which it forms an integral part.

Article 8

This Supplementary Act shall be deposited with the Commission which shall submit certified true copies thereof to all Member States and shall register it with the African Union, the United Nations and such other organizations as Council may determine.

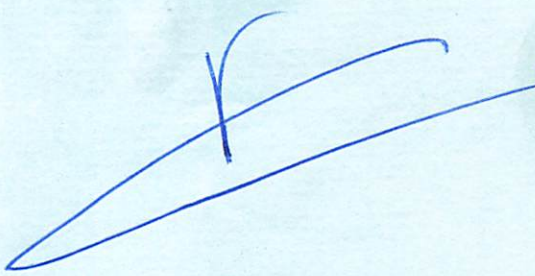
IN WITNESS WHEREOF, WE, HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICA, HAVE SIGNED THIS SUPPLEMENTARY ACT.

DONE AT ABUJA THIS 17TH DAY OF FEBRUARY 2012


IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC.

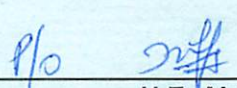
Ed




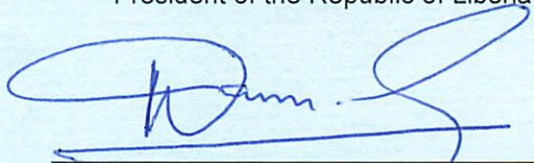

H. E. Thomas Boni YAYI
President of the Republic of Benin

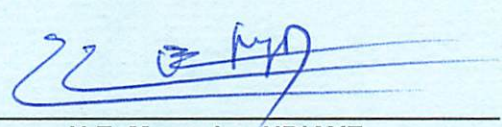
H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde


H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia

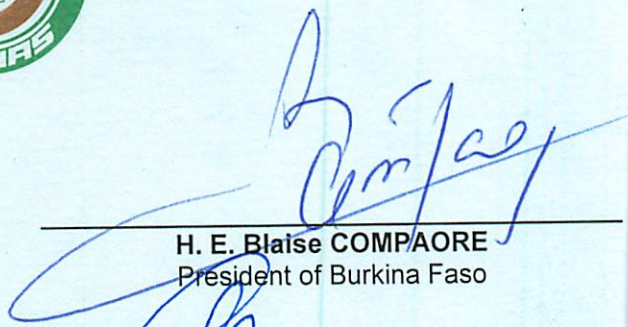

H.E. Alpha CONDE
President of the Republic of Guinea

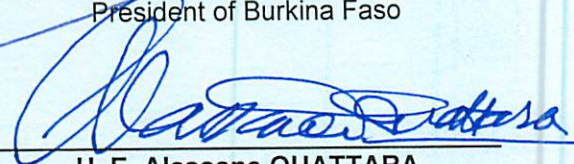

H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia

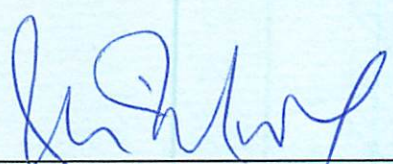

H.E. Issoufou MAHAMADOU
President of the Republic of Niger

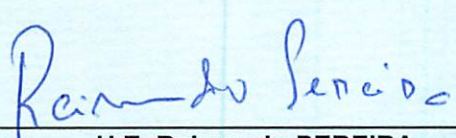

H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal

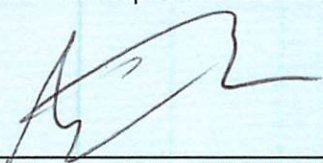

H. E. Eliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic

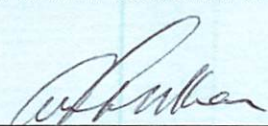

H. E. Blaise COMPAORE
President of Burkina Faso


H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire


H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana


H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau


H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali


H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS


H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone



Fortieth Ordinary Session of the Authority of the Heads of State and Government

Abuja, 16 to 17 February 2012

**SUPPLEMENTARY ACT/SP.17/02/12 RELATING TO THE
HARMONIZATION OF STANDARDS AND PROCEDURES FOR THE
CONTROL OF DIMENSIONS, WEIGHT AND AXLE LOAD OF GOODS
VEHICLE WITHIN MEMBER STATES OF THE ECONOMIC
COMMUNITY OF WEST AFRICAN STATES**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended,
establishing the Authority of Heads of State and Government and
defining its composition and functions;

MINDFUL of Article 32 of the said Treaty which provides for the adoption
of common transport and communication policies laws and Regulations
as a means of ensuring harmonious integration of the physical
infrastructure of Member States and the promotion and facilitation of
movement of persons, goods and services within the Community;

MINDFUL of Decision A/DEC. 2/5/81 relating to the harmonization of
highway legislations in the Community;

MINDFUL of the ECOWAS Convention No. A/P2/5/82 of 29 May 1982
Relating to Inter-State Road Transportation between ECOWAS Member
States providing amongst other issues, the tonnage for axle load and
other dimensions for vehicles;

MINDFUL of Resolution C/RES.5/5/90 of 27 May 1990 urging Member
States to introduce Weighbridge and axle scales as a means of
effectively monitoring the tonnage transported as well as axle load;

[Handwritten signatures and initials in blue ink at the bottom of the page.]



- 2 -

MINDFUL of Decision C/DEC.7/7/91 of 3 July 1991 Relating to the Road Traffic Regulations based on 11.5 Axle Load to protect Road Infrastructures and Road Transport Vehicles, especially the annex thereof, which provides for eventual harmonization of the sanctions imposed on any one in breach of the said Regulations;

MINDFUL of Decision A/DEC. 2/8/94 relating to the Community Programme on Road Safety and Accident prevention in ECOWAS Member States;

MINDFUL of Decision A/DEC.6/7/96 of 27th July 1996 establishing standards for the design of Community roads;

CONSIDERING Regulation 14/2005/CM/UEMOA of 16 December 2005 on Harmonization of the Control of Dimension, Weight and Axle Load of Heavy Duty Goods Transport Vehicles in UEMOA Member States;

CONSIDERING Resolution No. 2 of the Meeting of ECOWAS Transport Ministers on Implementation of the Regulation on the Control of Vehicle Axle Load, held in Yamoussoukro in Cote d'Ivoire on 5 June 2009;

CONSIDERING the March 2010 road map forbidding transport overloading adopted by the UEMOA Ministers in Charge of Infrastructure and Transport in Ghana.

DETERMINED to effectively preserve the road heritage of Member States;

DESIROUS of the harmonization of standards, and procedures for the control of load, dimension limits, and axle load of vehicles amongst Member States of the Community;

ON THE PROPOSAL of the Meeting of transport Ministers held in Yamoussoukro on the 17th of September 2011;

HAVING received the opinion of the ECOWAS Parliament;

ON THE RECOMMENDATION on the Sixty-seventh session of the Council of Ministers held in Abuja, from 19 to 21 December 2011.

[Handwritten signatures and initials at the bottom of the page, including "ED", "Bm", "JL", "JSD", "DZ", "AK", and "A"]



- 3 -

HAVING OBTAINED the opinion of the Community Parliament;
HAVE AGREED AS FOLLOWS:

CHAPTER I: DEFINITIONS, OBJECTIVE AND SCOPE OF APPLICATION

Article 1 Definitions

The technical terms used in this Supplementary Act with regard to vehicle type, vehicle axle, vehicle dimensions and weight and to goods transport activity, are defined in Annex 1 attached to this Supplementary Act.

Article 2 Objective and scope of application

1. The objective of this Supplementary Act is to harmonize amongst ECOWAS Member States, the standards the control of dimension, weight and axle load of heavy duty goods transport vehicles, and the sanctions imposed for non-compliance with these standards.
2. This Supplementary Act complements and amends all relevant ECOWAS texts, particularly Convention A/P2/5/82 of 29 May 1982, Decision C/DEC/7/7/9 of 13 July 1991 and Council of Ministers Resolution 5/5/90 of 27 May 1990.
3. Annexes 1 and, 2 to this Supplementary Act form an integral part thereof. The weight and dimension limits set forth herein, deriving from the aforementioned previous texts, shall constitute the load standards for heavy-duty goods transport vehicles plying public roads in ECOWAS Member States.

[Handwritten signatures and initials in blue ink]



- 4 -

CHAPTER II: LIMITS TO THE DIMENSIONS, WEIGHT AND AXLE LOAD OF HEAVY DUTY GOODS TRANSPORT VEHICLES

Article 3 Limits to heavy duty vehicle dimensions

The external dimensions of any vehicle or assembly of vehicles plying the road network of ECOWAS Member States shall not exceed the authorized maximum dimensions set forth in Annex 2 of this Supplementary Act.

Article 4 Limits of axle load

In accordance with Article 4 of Convention A/P2/5/82 of the Authority of Heads of State and Government of ECOWAS and Article 1 of the Council of Ministers Decision C/DEC/7/7/91, transport vehicle traffic on roads networks of ECOWAS Member States shall be permissible subject to a maximum axle load of 11.5 tons for single load-carrying axles.

The Authorized Maximum Axle Loads (AMAL) for the various types of axle are listed in Annex 2 of this Supplementary Act.

Article 5 Limits to laden weight

For each type of vehicle or assembly of vehicles, the authorized Total Laden Weight (ATLW) or the authorized Total Transported Weight (ATTW) shall be defined in conformity with Annex 2 of this Regulation.

Article 6 Exceptions for exceptional transport

In conformity with Article 7 of the Convention A/P2/5/82 and as provided in the annex to Decision 7/7/91 Special transport vehicles or exceptional convoys of vehicles that are not compliant with the standards defined in Article 3, 4 and 5 of this Supplementary Act shall, while transiting in each Member State, be subject to prior authorization for exceptional transport.

[Handwritten signatures and initials in blue and green ink at the bottom of the page.]



- 5 -

issued by the competent authorities. The beneficiary of such authorization shall hold the same in possession in the course of the journey.

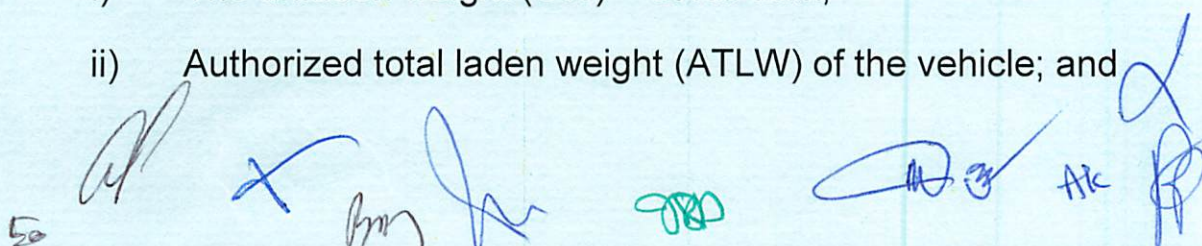
CHAPTER III: MEASURES TO IMPLEMENT AND CONTROL THE STANDARDS

Article 7 Load and Dimensions Inspection Certificate

1. Pursuant to implementation of this Supplementary Act, each Member State shall formulate and incorporate in its official transport document (traffic document or road consignment note) a note in the certificate attesting that a vehicle's weight and dimensions have been duly checked. The total laden weight and the overall axle system load of the concerned vehicle shall be clearly mentioned, and there shall be express indication as to the vehicle's conformity with the dimension standards.
2. With respect to exceptional transport, the authorization for exceptional transport set forth in Article 6 shall apply.

Article 8 Technical inspection of heavy-duty vehicles

1. Prior to registration and entry into service, every vehicle shall be subject to technical inspection by the competent administration in the Member State. The dimension, weight and axle type specifications (with the nomenclature used in this Supplementary Act) shall be clearly inscribed in two plates:
 - a) A tare plate clearly displaying:
 - i) The unladen weight (UW) - at full tank;
 - ii) Authorized total laden weight (ATLW) of the vehicle; and

50 



- 6 -

- iii) Type of the vehicle axle.
- b) A dimensions plate displaying the dimension specifications of the vehicle.
- 2. The two plates shall be affixed to the vehicle.
- 3. Technical inspection shall be compulsory upon a vehicle's entry into circulation after an accident or significant transformation thereto. The vehicle owner shall request for this inspection from the Competent Authority.
- 4. During the periodic vehicle inspection stipulated in Article 10 of Convention A/P2/5/82, the dimension and weight specifications inscribed on the plates shall be checked.
- 5. As regards an assembly of vehicles, the provisions of this Article shall apply to each component of the fleet.

Article 9 Obligatory Inspection of Equipment and Devices

A. For Member States

- 1) Pursuant Resolution C/RES.5/5/90 and for the purposes of effective inspection, Member States shall install or cause to be installed equipment for control of the set limits to vehicle load and dimensions. The equipment in question are essentially weighbridges, weighing scales and dimension gauges.
- 2) The said equipment shall be installed in the form of fixed posts along inter-State road corridors, at the beginning and at the end of such corridors, and at the borders where the equipment can be

60

Handwritten signatures and initials in blue ink at the bottom of the page.




- 7 -

used by the relevant authority of neighbouring Member States in line with the concept of adjoining check points. In addition, mobile weighing scales shall be used for unscheduled inspections.

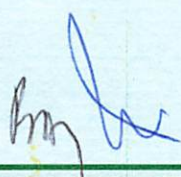
- 3) It shall be the responsibility of the State to ensure that the inspection equipment is installed at the exit of urban agglomerations which generate annual road freight for heavy-duty vehicles of over two hundred thousand (200,000) ton.
- 4) The equipment forming part of the installations referred to under paragraph 3 of this article shall be inspected frequently each year and recalibrated by a metrology service recognized or certified by the State.

B. For platforms that generate heavy traffic


- 1) Operators of port and airport transit platforms, logistics platforms, rail-road inter-modal platforms, warehousing and storage facilities, as well as industrial and/or mining institutions which generate heavy-duty vehicle goods traffic of over two hundred thousand (200,000) tones annually, shall equip their platforms or facilities with an installation having the specialized facilities required for inspection of the dimensions, weight and axle load of heavy-duty cargo transport vehicles loading in their respective domains.


Eco









Atc





- 8 -

- 2) The operator shall be required to obtain a certificate of compliance from the national administration in charge of transport.
- 3) Member States shall ensure the implementation of these provisions by those in charge of platforms.

CHAPTER IV: INSPECTION OF HEAVY-DUTY VEHICLES DIMENSION, WEIGHT AND AXLE LOAD ALONG ROAD CORRIDORS

Article 10 Responsibilities of loading platforms prior to departure of a laden truck

1. Operators of the platforms and facilities mentioned in Article 9(B) of the Supplementary Act shall ensure and certify in their inspection installations by their respective services or by any other service provider operating on behalf of their services, that the standards regarding the dimensions, weight and axle load limits for heavy-duty vehicles loaded in the said platforms and/or facilities have been complied with. The services or service providers in question shall accordingly issue an inspection certificate as provided for in Article 7 of this Supplementary Act.
2. Such inspection shall be conducted at the expense of the vehicle operator. The inspection certificate where so issued shall be kept aboard the vehicle for presentation on demand during road inspections.

Handwritten signatures and initials at the bottom of the page, including "Fo", "Bm", "K", "2000", "Hic", and a large signature on the right.



- 9 -

3. The vehicle may not leave the premises of the platform or facility with its cargo and re-embark on the journey unless it is in compliance with the standards set forth by this Supplementary Act, or the vehicle operator has an authorization for exceptional transport. Prohibition from leaving the platform/facility premises for non-compliance shall be the responsibility of the owners of the said platforms or facilities.
4. Every urban agglomeration generating outgoing road cargo traffic for heavy-duty vehicles of over two hundred thousand (200,000) tones annually shall offer every heavy-duty vehicle transporter the opportunity to ensure that his/her laden vehicle conforms with the dimensions, weight and axle load standards set for such vehicles. The offer shall be extended by putting in place an appropriate technical facility operated by or on behalf of the services of the administration or by a private operator accredited by the road administration.

Article 11 Responsibilities of vehicle operators prior to departure of laden trucks

The vehicle operator or his/her representative shall ensure that, at the point of loading and of departure that the said vehicle is compliant with the dimensions, weight and axle load standards set for the vehicle. The vehicle operator shall be held responsible, unless proved otherwise, for non-compliance with the said standards on public roads.

[Handwritten signatures and initials in blue and green ink]



- 10 -

Article 12 Inspection at fixed posts

1. Each fixed inspection post shall, at the minimum, be equipped with vehicle weighing facility for inspection of axle load and total vehicle weight, as well as a facility for measuring vehicle dimensions. The fixed inspection posts shall have secured cargo warehousing facilities and secured parking spaces for immobilized vehicles in order to facilitate implementation of the sanctions set forth in Articles 16 and 17 of the Supplementary Act.
2. The number of inspection posts along any Community transit corridor in a Member State may not exceed three [3] in each traffic direction, including the posts in the precincts of the aforementioned sources of heavy traffic where such posts are located on the border corridors and posts. The inspection posts situated on Community transit corridor feeder roads are not subject to this limit.
3. Weighing-toll posts shall not be included in the number of inspection fixed posts mentioned in paragraph 2 of this Article. Transit transport vehicles with the stickers provided for in the regional road inspection plan shall not be subject to the weighing formalities at the said weighing-toll posts.

Article 13 Inspection by mobile brigade

1. In addition to establishing the system of inspection fixed posts stipulated in Article 12, the road inspection system in each Member State shall be provided with standardized mobile equipments.

[Handwritten signatures and initials in blue and green ink at the bottom of the page]



- 11 -

2. Mobile road inspection shall be conducted without prior notice. It is primarily intended to control offences and fraud committed on crossing inspection fixed posts. It is also aimed at controlling the vehicles not intercepted at an inspection fixed post. Mobile road inspection shall entail only the verification of compliance with the standards stipulated in this Supplementary.
3. Mobile road inspection along any Community transit corridor in a Member State may be operated only within the limits of a total of three consecutive inspection points, in each traffic direction along the corridor, fixed posts and mobile inspection posts inclusive, counted in the same way as in Article 12 above.
4. Inspection at mobile check points shall be conducted at random and through sampling of units of traffic plying the road without forming a queue. No other vehicle in circulation shall be intercepted during a vehicle inspection operation; and no vehicle shall be kept waiting for the purpose of inspection.
5. A transit transport vehicle may be inspected right through the journey, for every transit corridor in a Member State.

Article 14 Content of road inspection and mode of management

1. Apart from the inspection of vehicle and driver's particulars, fixed and mobile posts inspection shall entail verification of conformity with the dimension and load standards set forth in **Articles 3, 4 and 5** of this Supplementary Act.
2. In each Member State, the road inspection system defined in Articles 12 and 13 of this Supplementary Act and the mode of

ED

management and operation thereof fall under the purview of the Member State, with the exception of the adjoined inspection posts at the border of two Member States, which shall be governed by a special regime.



3. The inspection posts juxtaposed at the border of two Member States shall be located on common land entry-exit platforms. Legal provisions defining the status of such platforms shall be put in place by the ECOWAS Commission.

CHAPTER V: SANCTIONS FOR NON-COMPLIANCE WITH THE DIMENSIONS, WEIGHT AND AXLE LOAD LIMITS

Article 15 Content of the Sanctions

1. A breach of the standards and non-compliance with the responsibilities laid down in this Supplementary Act shall attract sanctions set forth in Articles 16 to 24 hereunder.
2. In general terms, in the event of non-conformity with dimensions and weight limits, the sanctions imposable shall comprise:
 - a) Corrective measures as well as measures imposed to oblige compliance with the relevant standards (weight and load shedding) at the expense of the offender with a view to eliminating the impact of the offence on the rest of the journey;
 - b) Dissuasive fine determined in accordance with seriousness of the offence to be defined in the manner provided under Article 18 of this Supplementary Act.
3. The level of fine for overloading shall be determined in such a way that the amount applicable shall be at least equal to the income expected by a public transporter on the transportation of the cargo weight that constituted the overload. In this regard, account shall be taken of the average cost of heavy-duty transportation of a kilometer tone and the average transportation distances in respect of national and inter-State transport.

Handwritten signatures and initials at the bottom of the page, including a large blue signature on the left, a green signature in the center, and several other smaller signatures and initials on the right.



- 13 -

Article 16 Compulsory overload shedding and correction of dimensions

1. The operator of a vehicle found to be non-compliant with the loading standards stipulated in this Supplementary Act shall have the obligation to conform with the Act prior to putting the vehicle back in circulation.
2. Payment of the fine incurred notwithstanding, the vehicle operator shall be required to cause the excess load to be discharged and/or re-order the vehicle load with a view to bringing the vehicle load and dimensions back to permissible limits.
3. The operations to load and re-load off-loaded cargo shall be the responsibility of the vehicle operator who shall exclusively bear the cost.
4. In the case of a sealed vehicle or a transit transport vehicle under ISRT regime, the operations referred to in paragraph 3 of this Article shall be conducted under customs oversight.
5. Where a non-compliant vehicle is intercepted by mobile inspection, such vehicle shall be immediately escorted to the nearest inspection fixed post.

to [Signature] [Signature] [Signature] [Signature] [Signature] [Signature] [Signature]



- 14 -

Article 17 Immobilization of vehicle and compulsory cargo trans-shipment

1. Where an inspected vehicle is found to be in breach of the dimension standards set forth in Article 3 of this Supplementary Act and the cause of the non-compliance is not due to loading but solely to the technical specifications of the vehicle, the vehicle operator shall be required to transfer its cargo to another vehicle that is compliant with the dimension standards.
2. The defaulting vehicle shall be immobilized at the inspection post under the responsibility of the post operator pending the arrival of the inspection post vehicle to which the cargo is to be trans-shipped. The trans-shipment shall be effected at the inspection post by the vehicle operator under the supervision of the post operator.
3. The owner of the non-compliant vehicle shall be sanctioned with immobilization of the said vehicle at a location indicated by him/her, until the vehicle is brought to conformity.

Article 18 Fine

The amounts for fines attached to sanctions prescribed under chapter 5 of this Supplementary Act shall be defined in a Regulation to be adopted by the Council of Ministers on the recommendation of the sector Ministers. All such fines shall be calculated in the United States dollars but paid in the appropriate local currency. The amounts shall be reviewed periodically by the Council of Ministers on the advice of the sector Ministers.

FD [Signature] [Signature] [Signature] [Signature] [Signature] [Signature] [Signature]



- 15 -

A. In the absence of Dimension and Tare Plates

Any owner of a vehicle without the dimension and tare plates stipulated in Article 8 of this Supplementary Act shall be sanctioned with a fine.

B. For lack of inspection certificate

1. Any international transport vehicle without inspection certificate in its set of travel documents as prescribed in Article 7 of this Supplementary Act, or without the a uthorization for exceptional transport in lieu of the certificate, shall be sanctioned with a fine in exchange for the eventual issuance of a certificate of compliance in lieu of inspection certificate, to complete the rest of the journey.
2. In the event of a mobile inspection, the defaulting vehicle shall be escorted to the nearest stationed inspection post for the purpose of issuance of the requisite certificate after verification of compliance with all the prescribed limits.

C. For breach of dimension standards

1. Any breach of the dimension standards resulting exclusively from vehicle load shall attract a fine at the expense of the operator of the vehicle.
2. Any breach of the dimension standards due exclusively to the specifications of the vehicle shall be punished with a fine at the expense of the owner of the vehicle and immobilization shall be imposed in accordance with the provisions of Article 17 of the Supplementary Act.

ED        



- 16 -

D. For exceeding the total travelling weight of the vehicle


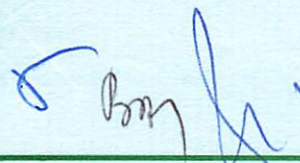

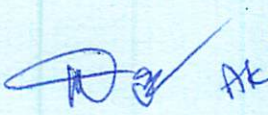

Any overload beyond the regulated total laden weight of a vehicle or assembly of vehicles with regard to national and inter-state transport shall attract fines to be determined in the manner provided for under Article 18 of this Supplementary Act. A five percent (5%) allowance on the total laden weight is however made to take into account the margin of error of the weighing facility.

E. For axle overload

1. Any excess of axle load for national and international transport in violation of the standards set forth in Article 4 of this Supplementary Act shall attract fines calculated per ton overload in respect of the axle accounting for the highest overload amongst all the axles of the vehicle.:
2. Where the two kinds of overload, namely, weight overload and axle overload, have been observed in respect of the same road transport vehicle, the penalty applicable shall be the highest.

Article 19 Special care of transportation of hydrocarbons, explosives and certain dangerous goods

1. In special cases where the cargo transported by a vehicle that does not comply with standards relating to weight or size of hydrocarbons, the vehicle shall pay a fine as indicated in Article 18 of the Supplementary Act. Therefore, it shall be necessary to be sure that the compartment containing the hydrocarbons is tight enough to avoid any leakage and that the vehicle is also equipped at least with an extinguisher before it is authorized to continue its way.
2. In the case of explosives and other dangerous goods that cannot be handled and / or unloaded at fixed checkpoints for safety and

ED     



- 17 -

security reasons, the trip of the vehicle shall be stopped. The vehicle shall be escorted to one of the following points, preferably the one nearest to the post where the violation has been notified:

- a. The uploading point,
- b. The starting point of the journey,
- c. The downloading point or the final destination of the journey.

Article 20 Increased fine for repeated breach

1. Repeated breaches of the standards in respect of both dimension and load shall attract increased fines at rates determined in a Council Regulation as stated in Article 18 of this Supplementary Act.
2. For the purpose of implementing the provisions of sub-paragraph 1 of this Article, annual computation of offences shall be carried out in respect of the offences committed in the territory of the same State and detected at the control system. Such computation shall be managed by the operator of the inspection system.
3. In the special case of adjoining inspection posts at the borders, the provisions of Paragraph 1 of this Article above shall be applied on the basis of computation of offences detected at the same joint border post.

Article 21 Fines for proven offences at inspection fixed posts

During unscheduled mobile inspection, any offence or offences involving a vehicle at the last inspection of dimension, weight and axle load at a

Handwritten signatures and initials at the bottom of the page, including "Eo", "AF", "X", "Bm", "K", "JRD", "R", "Hic", and a large signature on the right.



- 18 -

fixed post shall attract the requisite fine. This sanction shall be additional to the other sanctions defined in earlier Articles.

Article 22 Obligation to implement sanctions

A defaulting vehicle may not be authorized to leave the inspection fixed post or the destination designated for the vehicles mentioned in Articles 17 and 19 of this Supplementary Act, unless the vehicle operator produces proof that the requirements laid down under the sanctions have been met, and that the fine and other sanctions imposed have been cleared at the inspection fixed posts holding and processing the dossier regarding the offense.

Article 23 Fine imposed for deliberate refusal to pass through the weigh-bridge and axle weighing scales

Any deliberate refusal by the driver of a vehicle to pass through the weigh bridge or axle weighing scale shall be sanctioned in addition to such other coercive measures as may be applicable. Such sanction shall be imposed on the vehicle operator who may institute a claim against the driver.

Article 24 Sanction against platforms and facilities generating Out-going road traffic of over 200,000 tones

1. Any corporate body operating a platform or facility of the category defined in Article 9 (B) of this Supplementary Act without the compulsory inspection facilities mentioned in the said Article, shall attract a fine. This fine becomes applicable at the expiration of two years deadline following the formal notification of the obligation to be compliant, issued by the national administration in charge of transport where the corporate body in question fails to meet the obligation.

50 [Signatures]



- 19 -

2. Any corporate body referred to under Article 9 (B) that has conformed with the obligations in terms of the inspection equipment and facilities mentioned in the same Article but is in breach of the obligations regarding vehicle inspection and prohibition from leaving the inspection post defined in Article 10 of this Supplementary Act, shall be sanctioned with a fine per any vehicle loaded in the precincts of the defaulting platform or facility.

CHAPTER VI: GENERAL AND FINAL PROVISIONS

Article 25 Adaption and/or amendment of technical standards of vehicles and sanctions

1. The technical standards for heavy duty goods transporting vehicles plying public highways within the limits of dimension of heavy vehicles, axle load, laden load shall be adapted periodically in line with improvements in the manufacturing technology of vehicles.
2. Consequently annexes 1, and 2 attached to this Supplementary Act, and which are part thereof shall be adapted or modified by a Decision of the Council of Ministers upon the recommendation of the sector Ministers.

Article 26 Other Obligations

1. A Member State shall not have the right to refuse or prohibit the use of vehicles registered or put into service in any other Member States on its territory for reasons pertaining to the dimensions and weight if such vehicles comply with the maximum values specified in annex 1 and 2 of this Supplementary Act.
2. The provision of paragraph 1 of this Article shall be applicable notwithstanding the fact that the said vehicles do not comply with the provisions of the laws of the Member State regulating some weight and dimension specifications that are not covered by this Supplementary Act.

50 [Signatures]



- 20 -

3. No Member State shall authorize the normal circulation of vehicles or an assembly of vehicles on its territory if they do not comply with the specifications stated in this Supplementary Act.

Article 27 Transition period

1. During a one-year transition period starting from the date of entry into force stated in article 29 below, Member States shall put in place their road control system as specified below :
 - i. By the end of the first six months of the transition period, weighing equipment shall be acquired and made operational and temporary areas shall be developed as fixed control posts for the storage of goods offloaded from overloaded vehicles ;
 - ii. By the end of the transition period, road control systems shall be set and made operational as defined in this Supplementary Act.
2. By the end of a two year period starting from the date of entry into force stated in Article 29 below, vehicles transporting hydrocarbons in circulation in the region and which do not comply with the standards Set forth in this Supplementary Act shall be modified to make them compliant.
3. A road map defining the modalities for the implementation of this Supplementary Act shall be established by the Council of Ministers on the recommendation of the transport Sectoral Ministers.

Article 28 Moratorium

1. In each Member State, a moratorium shall be applicable starting from the date of entry into force of this Supplementary Act as specified in paragraph (2) et (2) below.

[Handwritten signatures and initials in blue ink at the bottom of the page]



- 21 -

2. A general moratorium limited to enforcement of fines shall be granted for a period of twelve (12) months during which only sanctions provided for under article 15 of the Supplementary Act shall be applied.
3. Infringements shall be subject to a specific moratorium as follows:
 - i. Infringements which attract the sanction provided under paragraph C of Article 18 (4) of this Act: None for new vehicles or registered vehicles for the first time; (ii) one (1) year for other vehicles with the exception of Hydrocarbon transport Vehicle for which a period of two years has been granted;
 - ii. Breach of provisions of Article 8 of this Supplementary Act : (i) none for new vehicles or vehicles registered for the first time ; (ii) one (1) year for other vehicles with the exception of Hydrocarbon Transport Vehicles for which 2 years has been granted.

Article 29 Publication

This Supplementary Act shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signing by the Heads of State and Government. It shall also be published by each Member State in its National Gazette within thirty (30) days of notification by the Commission.

50 [Signature] [Signature] [Signature] [Signature] [Signature] [Signature]



- 22 -

Article 30 Entry into force

This Supplementary Act shall enter into force upon its publication. Consequently, Member States shall undertake to commence implementation of its provisions upon its entry into force.

Article 31 Miscellaneous Provisions

The Supplementary Act shall supersede any other contrary provisions.

Article 32 Depository Authority

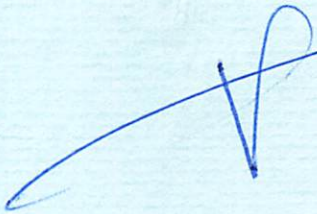
This Supplementary Act shall be deposited at the Commission which shall forward certified copies to all Member States and shall register same with the African Union, United Nations Organisation and all other organisations selected by the Council.

IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS), HAVE SIGNED THIS SUPPLEMENTARY ACT

DONE AT ABUJA, THIS 17TH DAY OF FEBRUARY 2012

IN SINGLE ORIGINAL IN ENGLISH, FRENCH AND PORTUGUESE LANGUAGES, ALL TEXTS BEING EQUALLY AUTHENTIC.

[Handwritten signatures in blue ink]




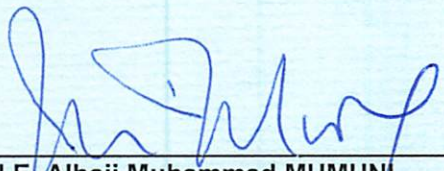
H. E. Thomas Boni YAYI
President of the Republic of Benin

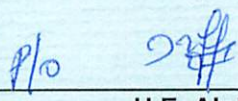
H. E. Blaise COMPAORE
President of Burkina Faso

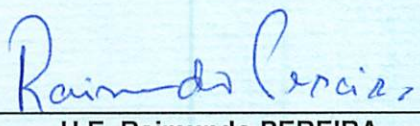
H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde


H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire

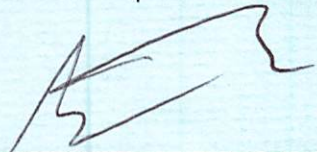

H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia

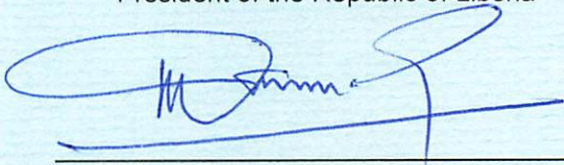

H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana

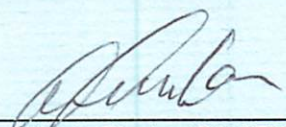

H.E. Alpha CONDE
President of the Republic of Guinea



H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau


H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia


H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali


H.E. Issoufou MAHAMADOU
President of the Republic of Niger


H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS


H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal

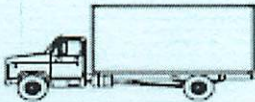
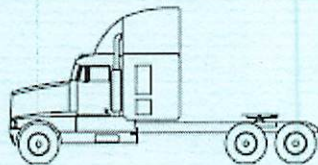
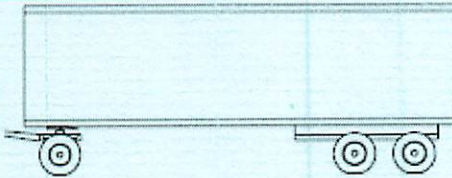
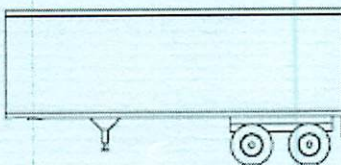
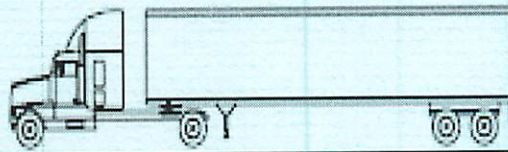
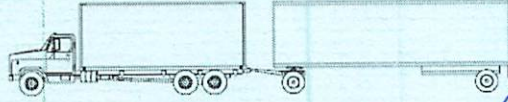
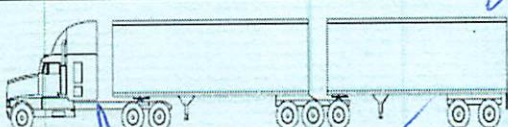

H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone


H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic



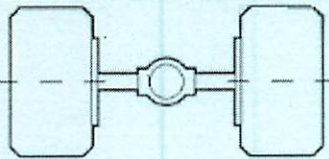
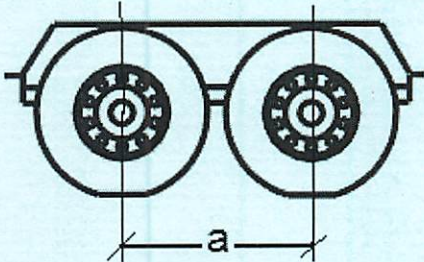

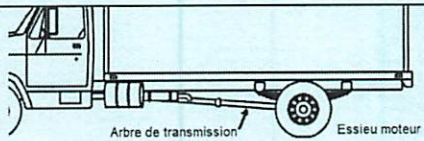
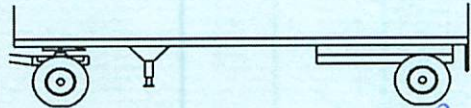
ANNEX 1 : DEFINITIONS RELATING TO THE DIMENSIONS, WEIGHT AND LOAD OF HEAVY-DUTY GOODS TRANSPORT VEHICLES

DEFINITIONS RELATING TO VEHICLE TYPES

TERMS AND DEFINITIONS	BODY FRAME
Heavy-duty /cargo vehicle Vehicle (or assembly of vehicles coupled to form a unit of traffic) whose authorized total travelling weight is above 3.5 tones	
Tractive unit A vehicle motorized so as to be self-propelling	
Cargo vehicle A motorized vehicle with a fixed cargo casing or platform, which bears its entire load on its frame.	
Road tractor A motorized (non-cargo) vehicle fitted with a "fifth wheel" as well as electrical and compressed air connections for semi-trailer lights and brakes.	
Truck trailer Non-motorized vehicle designed to be towed by a motorized vehicle. Truck trailer may also describe the last vehicle of a road train	
Semi-trailer Trailer without front axle, the wheelless part of which is designed to be coupled to a motorized towing vehicle such that part of this trailer rests on the motorized vehicle and that a substantial part of its weight and load weight rests on the said vehicle	
Articulated Vehicle Combination of vehicles consisting of a road tractor coupled to a semi-trailer	
Road train Vehicle combination consisting of a cargo vehicle and a trailer or a semi trailer	
Double road train Vehicle combination consisting of a tractor and two semi-trailers.	



DEFINITIONS RELATING TO AXLE TYPES

TERMS AND DEFINITIONS	BODY FRAME
Load carrying axle A set of wheels mounted symmetrically on the same axle beam to support a portion of the load.	
Axle spread/spacing Distance between the centers of the axle beams connected to the same suspension	 a : axle spread
Front axle Steering axle located at the front end of a motor vehicle	
Steering axle Load carrying axle with wheels mounted on the pivoting components	
Powered axle Load carrying axle which receives driving force from the transmission and transmits to the wheels	
Single axle Axle system having only one load carrying axle	

af 50

+

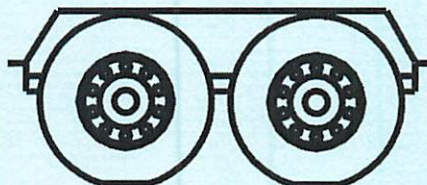
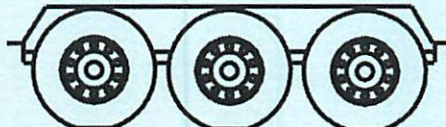
May 14

8/15

10/11

11/12

12/13

Tandem axle / Double axle Axle system composed of two axles, either of which may be powered or non-powered	Type 1 $a \leq 1\text{m}$	
	Type 2 $1\text{m} \leq a \leq 1,3\text{m}$	
	Type 3 $1,3\text{m} \leq a \leq 1,8\text{m}$	
	Type 4 $a \geq 1,8\text{m}$	
	Type 5 $a \geq 23\text{ t}$	
Triple axle or tri-axle Running gear consisting of an assembly of three evenly spread load-carrying axles mounted on the same suspension	Type 1 $a \leq 1,3\text{m}$	
	Type 2 $1,3\text{m} \leq a \leq 1,4\text{m}$	
	Type 3 27t a	
	Type 3 27t a	
Twin or dual wheels	Dual wheels on each side of an axle	

DEFINITIONS RELATING TO DIMENSIONS

Overall external dimensions	Dimensions (length, width and height) inclusive of all protrusions, load and accessories
Dimensions	Overall dimension or size (length, width and height) of an assembly of vehicles, cargo unit inclusive
Maximum authorized dimensions	Permissible maximum dimensions for a vehicle in circulation





DEFINITIONS RELATING TO VEHICLE WEIGHT

Axle load (AL)	Portion of vehicle weight borne by the axle
Authorized maximum axle load (AMAL)	The maximum axle load statutorily permissible for a vehicle in circulation on public road
Authorized total laden weight (ATLW)	The maximum total weight statutorily permissible for a laden vehicle in circulation
Authorized total operational weight (ATOW)	The maximum total weight statutorily permissible for an assembly of laden vehicles in circulation

OTHER DEFINITIONS

Vehicle driver	The person driving the vehicle at the time under control. This person could be the owner himself or an employee of the owner or any other person offering his services to the owner for a fee or free of charge
Vehicle operator/ transporter	A corporate body or an individual who uses a vehicle to transport goods on his own account or for another person. The vehicle belongs to the operator or hired by operator. In any other case, the operator is the same as the owner of the vehicle; it is the special case where the vehicle is borrowed.
Shipper or Consignor	Individual or corporate body owner or representative of cargo unit owner for whom the cargo is being transported
Traffic generating Platform	
Way bill	A written record of the contract between the transporter and the shipper as provided in the OHADA Uniform Act (stated above) regulating road transport of goods. The shipper shall also be defined as the consignee.
Moratorium	Period starting from the entry into force of this Regulation during which none of the monetary sanctions shall be applied.
Road control system operator or operator	A public or private corporate body managing and operating a road control system to check the dimensions, weight and axle load of vehicles

50 X bny [signature] [signature] [signature] [signature]



Common land exit/entry platform

A border platform hosting the joint border control post and considered as a common land entry and exit point of two sharing a common border

Joint border control post

A place developed and equipped, near the border in one of two neighboring countries, housing the post used by both border control services at the borders of the two neighboring countries to conduct border control operations at the exit point of one country and entry point for the others.

ISRT

Inter-State Road Transit

Handwritten signatures and initials at the bottom of the page, including "EO", "AKC", and several other illegible signatures.



ANNEX 2 : DIMENSION, WEIGHT AND AXLE LOAD STANDARDS FOR HEAVY-DUTY CARGO TRANSPORT VEHICLES

DIMENSION LIMIT FOR HEAVY- DUTY CARGO TRANSPORT VEHICLES

DIMENSIONS	VEHICLE	MAXIMUM AUTORISED
LENGTH INCLUSIVE OF ALL PROTRUSIONS, LOAD AND ACCESSORIES	Cargo carrier - Single engine vehicle	12 m
	Semi-trailer between the kingpin and the back)	12 m
	Trailer (without coupling mechanism)	12 m
	Articulated Vehicle	18.75 m
	Road train Coupled assembly of vehicles (cargo carrier + trailer)	18.75 m
	Double train for car transportation	18.00 m
	Double train for container transportation	24.20 m
	Other road train/double train	22 m
WIDTH INCLUSIVE OF ALL PROTRUSIONS, LOAD AND ACCESSORIES	Transport vehicle with controlled temperature	2.65 m
	Other vehicles	2.55 m
	Trailer with « twist lock>>	2.70 m
HEIGHT INCLUSIVE OF ALL PROTRUSIONS, LOAD AND ACCESSORIES	Any vehicles	4.50 m

[Handwritten signatures and initials in blue ink at the bottom of the page]

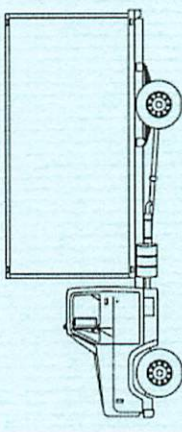
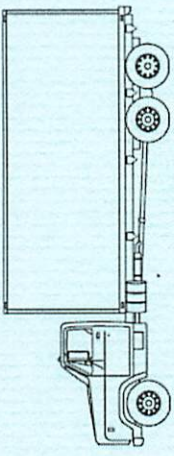
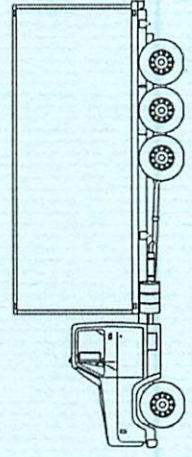
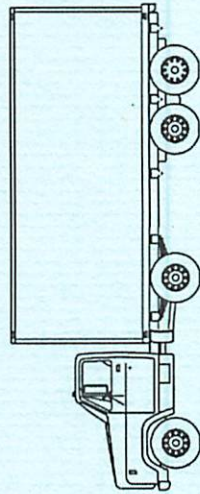


AUTHORIZED MAXIMUM AXLE LOAD (AMAL)

AXLE TYPE		AMAL
Single front axle		9 t
Single intermediary or rear axle	Single wheel	11.5 t
	Twin wheels	12 t
Dual (tandem) intermediary or rear axle	Type 1	11.5t
	Type 2	16t
	Type 3	18t
	Type 4	20t / 23t
Triple axle (tri-axle)	Type 1	21t
	Type 2	25t
	Type 3	27t
	Type 4	31.5t

[Handwritten signatures and initials at the bottom of the page]



AUTHORIZED TOTAL WEIGHT OF SOME COMMON VEHICLES					
	VEHICLE	ATLW		VEHICLE	ATLW
1	Vehicle with 2 axles (9 ; 12) <u>P11</u> 	18 tonnes	2	Vehicle with 3 axles, one of which is type tandem type4 (9 ;23t) <u>P12</u> 	26 tonnes
3	Vehicle with 4 axles, one of which is tridem type 2 (9 ;27t), <u>P13</u> 	31 tonnes	3b	Vehicle with 4 axles, one of which is tandem type 2 (9 ; 12; 23) <u>P112</u> 	31 tonnes

[Handwritten signature]

50

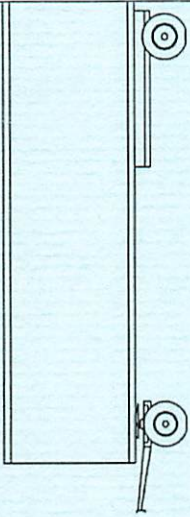
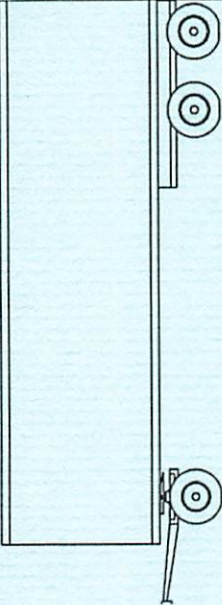
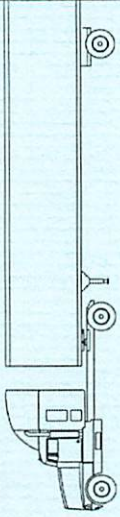
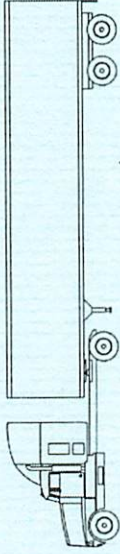
[Handwritten signature]

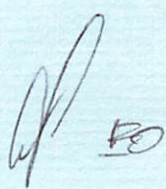

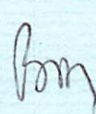
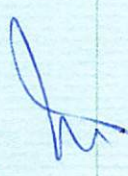


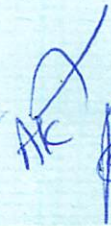
[Handwritten signature]

[Handwritten signature]

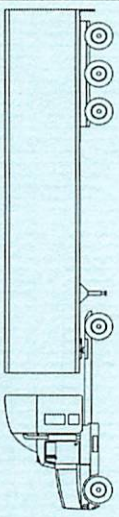
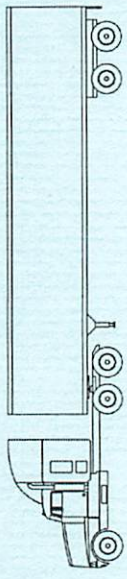
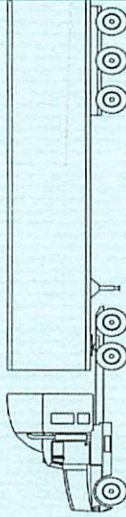
[Handwritten signature]

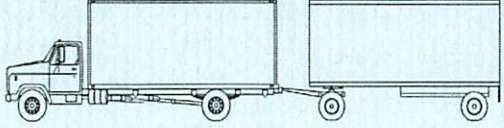
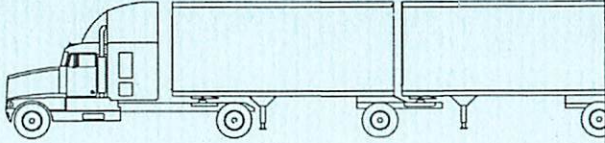

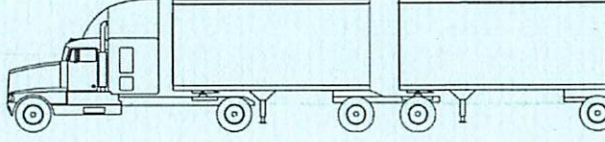
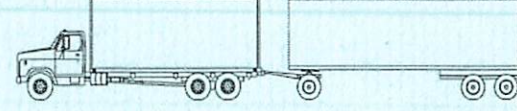
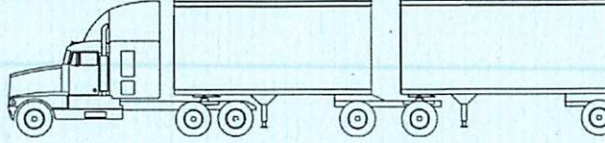


4	Trailer with 2 axle (9 ; 12t) <u>R11</u>	18 tonnes	5	Trailer with three axles, one of which is a tandem (9 ; 23t) <u>R12</u>	26 tonnes
					
	VEHICULE	PTRA		VEHICULE	PTRA
6	Articulated vehicle with 3 axles (9 ; 12 ; 12t) <u>T11S1</u>	30 tonnes	7	Articulated vehicle with 4 axles, one of which is tandem type 4 (9 ; 12 ; 23t) <u>T11S2</u> or (9 ; 23 ; 12), <u>T12S1</u>	38 tonnes
					

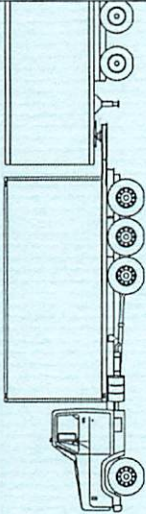










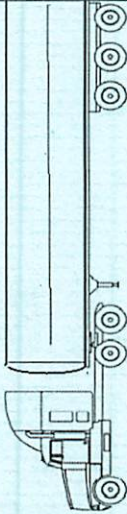

8	<p>Articulated vehicle with 5 axles, one of which is tridem type 2. (9 ; 12 ; 27t), <u>I11S3</u></p> 	43 tonnes	9	<p>Articulated vehicle with 5 axles, two of which are tandem type 4 (9 ; 23 ; 23t) <u>I12S2</u></p> 	46 tonnes
10	<p>Articulated Vehicle with 6 axles, with 1 tandem type 4 and 1 tridem type 2 (9 ; 23 ; 27) <u>I12S3</u> Six axle or more vehicle</p> 	51 tones			

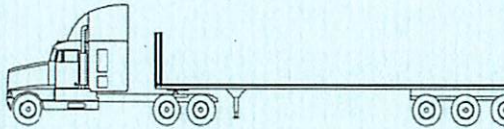

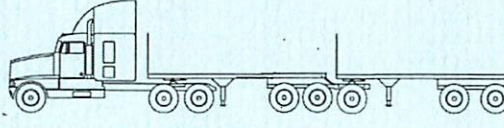
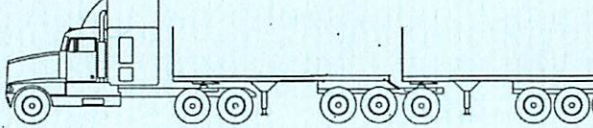
	VEHICULE	PTRA		VEHICULE	PTRA
11	Road Train (cargo vehicle – trailer with four simple axle (9 ;12 ;12 ;12) P11R11 	38tonnes	11b	Dual train with 4 simple axle (9 ; 12 ; 12 ; 12) T11S1S1 	38tonnes
12	Road Train (cargo vehicle + trailer) with 5 axle (9; 20; 12; 12) P12R11 or (9; 12; 12; 20) P11R12 	44tonnes	12b	Double Train with 5 axle (9;12;23;12) T11S2S1 or (9;23;12; 12) T12S1S1 	44tonnes
12c	Road Train (cargo vehicle – trailer) with 6 axle (9 ; 23 ; 9 ; 23) P12R12 	44tonnes	12d	Double train with 6 axle (9 ; 23 ; 23 ; 12) T12S2S1 	44tonnes



13	Six axle Road Train (cargo vehicle + trailer) (9 ; 27 ; 23) <u>P13S2</u>		51tonnes		



VEHICLE	PTRA	VEHICLE	PTRA
14	Articulated vehicle with 6 axle for HYDROCARBON TRANSPORT (9 ; 23 ; 31,5) <u>I12S3</u>		59tonnes*
			15
	Articulated vehicle with 5 axle for CONTAINER COMBINED TRANSPORT (9 ; 12 ; 31,5) <u>T11S3</u>		46tonnes

16	<p>Articulated vehicle with 6 axle for CONTAINER COMBINED TRANSPORT (9 ; 23 ; 31,5) <u>T12S3</u></p> 	56tonnes	17	<p>Articulated vehicle with 7 axle for CONTAINER COMBINED TRANSPORT (9 ; 23 ; 23 ; 23) <u>T12S2S2</u></p> 	64tonnes
18	<p>Articulated vehicle with 8 axle for CONTAINER COMBINED TRANSPORT (9 ; 23 ; 31,5 ; 23) <u>T12S3S2</u></p> 	75tonnes	19	<p>Articulated vehicle with 9 axle for CONTAINER COMBINED TRANSPORT (9 ; 23 ; 31,5 ; 31,5) <u>T12S3S3</u></p> 	80 tonnes



ANNEX 3: TABLE OF FINES AND OTHER SANCTIONS APPLICABLE FOR NON-COMPLIANCE WITH DIMENSION AND LOAD STANDARDS ⁽⁰⁾

No.	OFFENSES	SANCTIONS			REMARKS
		OTHER SANCTIONS	FINES IN RESPECT OF NATIONAL TRANSPORT	FINES IN RESPECT OF INTERNATIONAL TRANSPORT	
1	Absence of tare and dimension plates		US\$ 200		
2	Absence of certificate of compliance with load and dimension standards	Escort back to the nearest fixed post inspection	US\$ 100		Issuance of a certificate covering the remaining leg of the journey
3	Load-induced dimension protrusions	Off-loading	US\$ 200		
4	Dimension protrusions arising from vehicle technical specifications	Load transfer and immobilization of the vehicle	US\$ 1,000		
5	Exceeding the ATLW/ATTW ^(*)	Off-loading	US\$ 40/t	US\$ 120 /t	



6	Axle overload ^(*)	Off-loading	US\$ 40/t	US\$ 120/t	
7	Non-compliance with the dimension and load standards in respect of transportation of dangerous items	Escort back to the nearest fixed post and off-loading point	Double the fines set forth at 5 and 6		
8	Deliberate refusal to pass through weighbridge or weighing scale		US\$ 200		
9	Lack of inspection equipment (platform for heavy-duty traffic)		US\$ 100,000		
10	Breach of compulsory inspection of vehicles and prohibition to exit (platforms)		US\$ 400 / laden vehicle		
11	Proven fraud		US\$ 600		In addition to the aforementioned fines



(o): Fines shall be updated by a Regulation of the Council of the Ministers meeting on proposal of the meeting of the Ministers in charge of road transport

(1): Percentage of overloading

(*) In case of overloading of AMAL and ATLW at the same time, the highest fine is required.



FORTIETH ORDINARY SESSION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

Abuja, 16 – 17 February 2012

SUPPLEMENTARY ACT A/SA.20/02/12 TRANSFORMING THE REGIONAL ANIMAL HEALTH CENTRE IN BAMAKO INTO A SPECIALIZED CENTRE FOR THE COMMUNITY

THE HIGH CONTRACTING PARTIES;

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended, establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of the provisions of Article 88 of the said ECOWAS Treaty;

MINDFUL of the General Convention on the Privileges and Immunities of the Economic Community of West African States signed in 22 April 1978 in Lagos;

MINDFUL of Article 25 of the said ECOWAS Treaty on Agricultural Development and Food Security;

MINDFUL of Decision A/DEC.11/01/05 adopting the ECOWAS Agricultural Policy;

RECALLING the guiding principles of the 2007-2020 ECOWAS Agricultural Strategic Plan which is the ideal matrix for integrating the Member States' livestock policies as well as those of the ten-year programme for combating avian influenza and transboundary diseases, as part of the fight against animal diseases;

BEARING IN MIND that the spread of transboundary animal diseases, including zoonoses, is of concern to all ECOWAS Member States;

AWARE THAT the effectiveness of the fight against the diseases requires coordinated support for the development of national and regional strategies;

[Handwritten signatures and initials in various colors (blue, red, green) at the bottom of the page.]



NOTING that the Animal Health Centre in Bamako, with which ECOWAS has signed various partnership agreements in the area of Animal Health, has satisfactorily carried out the missions assigned to it, which has led to significant progress in the implementation of Agricultural, Livestock and Rural Development Programmes in the sub-region;

AWARE of the pertinent needs expressed by the Community in that regard;

RECOGNIZING the need, in the light of the Recommendation of the Beijing Conference of January 2006, to set up this structure as a Regional Animal Health Centre (RAHC) aimed at providing a strategy coordination and harmonization framework to monitor and evaluate interventions for combating avian influenza and transboundary animal diseases in West Africa;

WELCOMING, without reservation, the Government of Mali's offer to allocate some offices to the Regional Animal Health Centre within the same premises as those allocated to the OIE Regional Representation for Africa and provide additional offices and equipment on the basis of the needs expressed;

DESIROUS of transforming the **Bamako Animal Health Centre** into a Specialized Centre for the Community;

ON THE RECOMMENDATION of the Sixty-sixth Ordinary Session of the ECOWAS Council of Ministers held in Abuja, Nigeria on 16-17 August 2011.

HEREBY AGREE AS FOLLOWS:

ARTICLE 1: Transformation into a Specialized Centre

1. By this Supplementary Act, the Regional Animal Health Centre in Bamako is hereby transformed into an ECOWAS Specialized Community Centre on Animal issues.
2. The Regional Animal Health Centre shall be established in Bamako.
3. The President of the ECOWAS Commission shall sign the Headquarters Agreement with the relevant Malian Authorities as soon as possible.

[Handwritten signatures and initials in various colors (blue, black, red) are present at the bottom of the page.]



ARTICLE 2: Supervision - Objectives and Missions of the RAHC

1. The Regional Animal Health Centre "RAHC" shall be under the administrative and technical supervision of the ECOWAS Commission.
2. The aim of the Regional Animal Health Centre (RAHC) shall be to provide a framework for the coordination and harmonization of the monitoring and evaluation strategies of interventions for combating avian influenza and transboundary animal diseases in West Africa, through the implementation of the 2007-2020 ECOWAS Agricultural Strategic Plan.
3. In that regard, the mandate of the Regional Animal Health Centre (RAHC) shall be to:
 - i. coordinate the national animal health policies of the ECOWAS region;
 - ii. support the design of national and regional strategies combating trans-boundary animal diseases, including zoonoses, in the ECOWAS region;
 - iii. monitor the sub-regional mechanism for preventing and combating avian influenza in close partnership with the AU/IBAR;
 - iv. improve the animal health notification system in consonance with OIE standards and the WAHIS system
 - v. strengthen poultry and avifauna epidemiological monitoring by setting up epidemio-surveillance networks;
 - vi. inform the ECOWAS Member States about the local and regional situation, as well as the risk of outbreak and/or spread of the avian influenza and transboundary animal diseases;
 - vii. build the capacities of diagnostic laboratories and monitor regional laboratory networks;
 - viii. harmonize national emergency plans for the control of avian influenza and other trans-boundary and zoonotic animal diseases;
 - ix. monitor and assess the application of the control measures (slaughtering, vaccination campaigns);
 - x. information, communication and sensitization of the people and groups of breeders in the ECOWAS region;
 - xi. strengthen the socio-economic networks of the cattle-meat sector;
 - xii. conduct a feasibility study of national and regional investment programmes;



- xiii. identify the weak points in veterinary services that require legislative and regulatory measures and, subsequently, after the PVS evaluations conducted by OIE in collaboration with ECOWAS, FAO and Donors, help seek the relevant investments to improve their efficacy and sustainability.
- xiv. Support the national good governance policies of veterinary services by gradually harmonizing them with OIE standards;
- xv. Build capacity through training seminars and workshops for Veterinary Services Directors, their staff (focal points), and breeders associations, private veterinary officers on OIE standards and best practices (prevention of health risks arising from the trade in animals and foodstuffs of animal origin);
- xvi. Harmonize policies on the registration (national and/or regional) and control of vaccines, veterinary medicines while laying stress on the quality of veterinary products used for animal health;
- xvii. Mobilize resources for the Ten-Year Regional Programme for combating Avian Influenza and transboundary and emerging diseases in West Africa.

ARTICLE 3: Institutional Framework of the Centre

1. The Centre shall be a specialized ECOWAS technical animal health structure responsible for executing tasks relating to the implementation of the ECOWAS Livestock Policy.
2. The Centre shall be under the supervision of the Commissioner for Agriculture, Environment and Water Resources, acting by delegation from the President of the ECOWAS Commission.

ARTICLE 4: Miscellaneous Provisions

1. The areas of intervention, the rules on the governance, the administration and financing of the Agency, its relationship with the other ECOWAS agriculture and livestock operational structures, the criteria and types of operation, the processing of financing dossiers and the recruitment of the staff of the Agency, shall be in conformity with the relevant ECOWAS regulatory texts.
2. The Centre's operational Rules shall be adopted by the Council of Ministers upon proposal by the ECOWAS Commission.

9810

AK

AK



ARTICLE 5: Entry into Force

This Supplementary Act shall enter into force upon its publication. Consequently, signatory Member States undertake to commence the implementation of its provisions once it comes into force.

ARTICLE 6: Publication

This Supplementary Act, which shall enter into force upon its signature, shall be published by the ECOWAS Commission in the Community Official Journal within thirty (30) days of its publication. It shall also be published by each Member State in its Gazette within the same time-frame as that specified above, after its notification by the Commission.

**IN WITNESS WHEREOF WE, THE HEADS OF STATE AND
GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN
STATES, HAVE APPENDED OUR SIGNATURES TO THIS
SUPPLEMENTARY ACT**

DONE AT ABUJA THIS 17TH DAY OF FEBRUARY 2012

**IN A SINGLE ORIGINAL IN ENGLISH, FRENCH AND PORTUGUESE,
ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC**

[Handwritten signatures in blue and black ink, including initials and full names, are visible at the bottom of the page.]



H. E. Thomas Boni YAYI
President of the Republic of Benin

H. E. Blaise COMPAORE
President of Burkina Faso

H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of Cape Verde

H. E. Alassane OUATTARA
President of the Republic of Côte d'Ivoire

H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the President
of the Republic of The Gambia

H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional Integration
for and on behalf of the President
of the Republic of Ghana

H.E. Alpha CONDE

President of the Republic of Guinea

H.E. Raimundo PEREIRA
Interim President of the Republic of Guinea Bissau

H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of Liberia

H. E. Badara Aliou MACALOU
Minister of African Integration and Malians Abroad, for
and on behalf of the President of the Republic of Mali

H.E. Issoufou MAHAMADOU
President of the Republic of Niger

H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of Nigeria,
Chairman of the Authority of Heads of State
and Government of ECOWAS

H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet to the Minister
of Foreign Affairs, for and on behalf of the President
of the Republic of Senegal

H. E. Ernest Bai KOROMA
President of the Republic of Sierra Leone

H. E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG1./12/11 APPROVING THE WORK PROGRAMME OF THE ECOWAS COMMISSION, FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

HAVING CONSIDERED the Work Programme of the ECOWAS Commission, for the 2012 Financial Year recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 – 26 November 2011.

ENACTS

ARTICLE 1

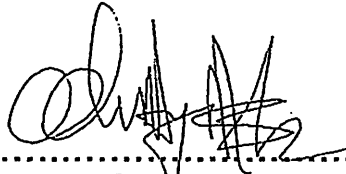
The Work Programme attached hereto, is hereby approved and shall be executed by the ECOWAS Commission during the 2012 Financial Year.

ARTICLE 2

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon

signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, positioned above a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.2/12/11 APPROVING THE WORK PROGRAMME OF THE ECOWAS PARLIAMENT FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

HAVING CONSIDERED the Work Programme of the ECOWAS Parliament for the 2011 Financial Year recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 – 26 November 2011.

ENACTS

ARTICLE 1

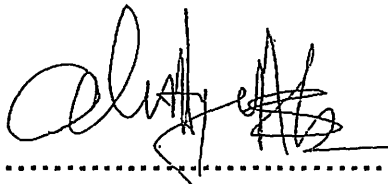
The Work Programme attached hereto, is hereby approved and shall be executed by the ECOWAS Parliament during the 2012 Financial Year.

ARTICLE 2

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon

signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to read 'Olugbenga Ashiru', is written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.3/12/11 APPROVING THE WORK PROGRAMME OF THE COMMUNITY COURT OF JUSTICE FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

HAVING CONSIDERED the Work Programme of the Community Court of Justice for the 2011 Financial Year recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23–26 November 2011.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the Community Court of Justice during the 2012 Financial Year.

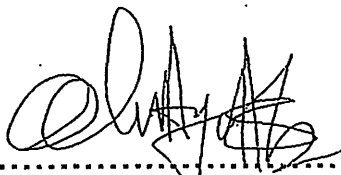
ARTICLE 2

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line.

signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to read 'Olugbenga Ashiru', is written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.4/12/11 APPROVING THE WORK PROGRAMME OF THE WEST AFRICAN HEALTH ORGANISATION FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

HAVING CONSIDERED the Work Programme of the West African Health Organisation for the 2012 Financial Year recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 – 26 November 2011.

ENACTS

ARTICLE 1

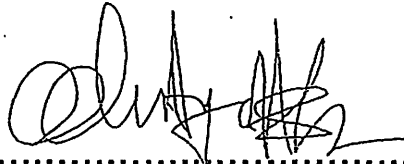
The Work Programme attached hereto, is hereby approved and shall be executed by the West African Health Organisation during the 2012 Financial Year.

ARTICLE 2

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon

signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to be 'Olugbenga Ashiru', written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.5/12/11 APPROVING THE WORK PROGRAMME OF THE INTERGOVERNMENTAL ACTION GROUP AGAINST MONEY LAUNDERING IN WEST AFRICA (GIABA) FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

HAVING CONSIDERED the Work Programme of the Intergovernmental Action Group against Money Laundering in West Africa (GIABA) for the 2012 Financial Year recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 – 26 November 2011.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the Intergovernmental Action Group against Money Laundering in West Africa (GIABA) during the 2012 Financial Year.

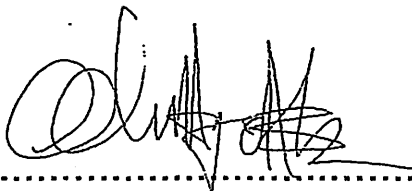
ARTICLE 2

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be

A handwritten signature in black ink, consisting of a stylized 'O' followed by a series of loops and a final vertical stroke.

published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to read 'Olugbenga Ashiru', is written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.6/12/11 APPROVING THE WORK PROGRAMME OF THE ECOWAS GENDER DEVELOPMENT CENTRE FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

HAVING CONSIDERED the Work Programme of the ECOWAS Gender Development Centre for the 2011 Financial Year recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 – 26 November 2011.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the ECOWAS Gender Development Centre during the 2012 Financial Year.

ARTICLE 2

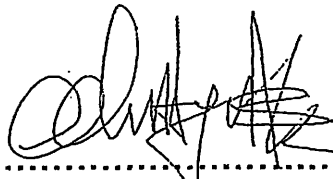
This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be

A handwritten signature in black ink, consisting of a stylized, cursive script, is located at the bottom right of the page.

- 2 -

published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to be 'Olugbenga Ashiru', written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

**CHAIRMAN
FOR COUNCIL**



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.7/12/11 APPROVING THE WORK PROGRAMME OF THE WATER RESOURCES INTEGRATED MANAGEMENT CENTRE FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

HAVING CONSIDERED the Work Programme of the Water Resources Coordination Centre for the 2012 Financial Year recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 – 26 November 2011.

ENACTS

ARTICLE 1

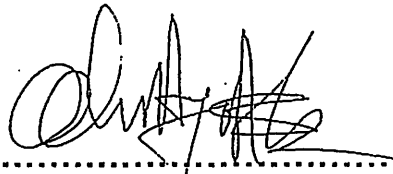
The Work Programme attached hereto, is hereby approved and shall be executed by the Water Resources Integrated Management Centre during the 2012 Financial Year.

ARTICLE 2

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be

published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011



.....
H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



ECONOMIC COMMUNITY OF
WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE
DE L'OUEST

Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.8/12/11 APPROVING THE WORK PROGRAMME OF THE ECOWAS OFFICE IN BRUSSELS

THE COUNCIL OF MINISTERS,

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

HAVING CONSIDERED the Work Programme of the ECOWAS Office in Brussels for the 2012 Financial Year recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 – 26 November 2011.

ENACTS

ARTICLE 1

The Work Programme attached hereto, is hereby approved and shall be executed by the ECOWAS Office in Brussels during the 2012 Financial Year.

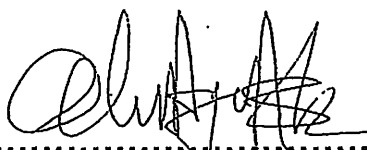
ARTICLE 2

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be

- 2 -

published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to read 'Olugbenga Ashiru', is written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.9/12/11 APPROVING THE WORK PROGRAMME OF THE ECOWAS YOUTH AND SPORTS DEVELOPMENT CENTRE FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

HAVING CONSIDERED the Work Programme of the Youth and Sports Development Centre for the 2012 financial year recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 - 26 November 2011.

ENACTS

ARTICLE 1

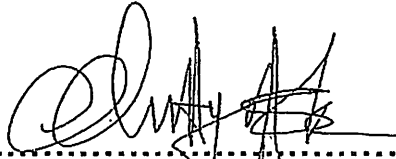
The Work Programme attached hereto, is hereby approved and shall be executed by the Youth and Sports Development Centre during the 2012 Financial Year.

ARTICLE 2

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be

published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to read 'Olugbenga Ashiru', is written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.10/12/11 APPROVING THE BUI THE ECOWAS COMMISSION, ITS AGENCIES, CENTI OTHER ECOWAS OFFICES FOR THE 2012 FINANCI

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the ECOWAS amended, establishing the Council of Ministers and composition and functions;

MINDFUL of the provisions of new article 17 of Sup Protocol A/SP.1/06/06 amending the said Treaty Establishment and the composition of the ECOWAS Comi

MINDFUL of the provision of article 72 of the Treaty rel Community levy;

MINDFUL of the provisions of Article 69 of the Treaty wh the budget of the Community Institutions;

MINDFUL of the Regulation C/REG.5/05/09 of May adopting the Financial Regulations of the Institution Economic Community of West African States (ECOWAS);

HAVING CONSIDERED the budget of the ECOWAS (proposed by the Tenth meeting of the Administration a Committee held in Abuja, from 23 – 26 November 2011.

ENACTS

ARTICLE 1

The budget of the ECOWAS Commission, Agencies, Centres and other ECOWAS Offices for the 2012 financial year, balanced in income and

expenditure for the sum of one hundred and seventeen million seven hundred and fifty one thousand forty six Units of Account (117,751,046UA) is hereby approved.

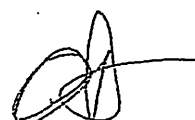
ARTICLE 2

1. An amount of one hundred and one million two hundred and thirty seven thousand four hundred and ninety six Units of Account (101,237,496 UA) shall be derived from resources obtained from the Community Levy.
2. An amount of five hundred thousand Units of Account (500,000UA) shall be derived from Arrears of contribution.
3. An amount in the sum of fifteen million eight hundred and ninety eight thousand five hundred and fifty Units of Account (15,898,550UA) shall be derived from external sources.
4. An amount of one hundred and fifteen thousand Units of Account (115,000 UA) shall be derived from other sources.

ARTICLE 3

1) The overall budget of the Commission approved shall be detailed as follows:

- | | |
|-----------------------------|----------------|
| - Commission Headquarters | UA 109,593,107 |
| - Gender Development Centre | UA 1,304,501 |



- Youth and Sport Development Centre **UA 2,423,282**
- Water Resources Coordination Centre **UA 875,886**
- ECOWAS Liaison Office in Brussels **UA 430,926**

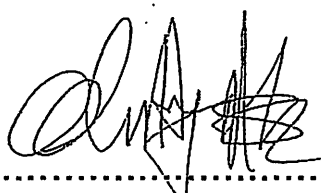
2) The budgets for other ECOWAS Offices are detailed as follows:

- Office of the Financial Controller **UA 1,635,450**
- Office of the Chief Internal Auditor **UA 1,487,894**

ARTICLE 4

This Regulation shall be published by ECOWAS Commission in the Official Gazette of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty days after its notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011



.....
H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.11/12/11 APPROVING THE BUDGET OF THE ECOWAS PARLIAMENT FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

MINDFUL of Article 13 of the said Treaty establishing the ECOWAS Parliament;

MINDFUL of the provisions of Article 72 of the said Treaty relating to the Community Levy;

MINDFUL of Protocol A/P.2/8/94 and its amendments, defining the composition, functions, powers and organisation of the ECOWAS Parliament;

MINDFUL of the Protocol A/P1/7/96 relating to the conditions for the application of the Community Levy;

MINDFUL of the provisions of Article 69 of the ECOWAS Treaty which relate to the budget of the Community Institutions;

MINDFUL of the Regulation C/REG.5/05/09 of May 27, 2009 adopting the Financial Regulations of the Institutions of the Economic Community of West African States (ECOWAS);

A handwritten signature in black ink, consisting of a stylized 'A' with a horizontal line extending to the right.

HAVING CONSIDERED the budget of the ECOWAS Parliament recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 – 26 November 2011.

ENACTS

ARTICLE 1

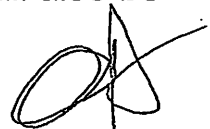
The budget of the ECOWAS Parliament for the 2012 financial year, balanced in income and expenditure at the sum of Eleven million two hundred and seventy three thousand six hundred and sixty Units of Account **(11,273,660 UA)** is hereby approved.

ARTICLE 2

1. An amount of Eleven million two hundred and forty one thousand one hundred and sixty Units of Accounts **(11,241,160UA)** shall be derived from resources obtained from the Community Levy.
2. An amount of one hundred thousand Units of Account **(100,000UA)** shall be derived from Arrears of Contribution
3. Another amount in the sum of thirty two thousand five hundred Units of Account **(32,500 UA)** shall be derived from other sources.

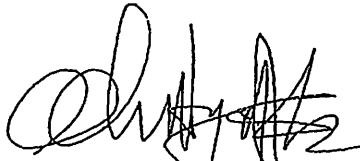
ARTICLE 3

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be



published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to be 'Olugbenga Ashiru', written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.12/12/11 APPROVING THE BUDGET OF THE COMMUNITY COURT OF JUSTICE FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

MINDFUL of Article 15 of the said ECOWAS Treaty establishing the Community Court of Justice;

MINDFUL of the provisions of Article 72 of the said Treaty relating to the Community Levy;

MINDFUL of Protocol A/P.1/7/91 defining the composition, functions, powers and organisation of the Community Court of Justice;

MINDFUL of the provisions of Article 69 of the ECOWAS Treaty which relate to the budget of the Community Institutions;

MINDFUL of Protocol A/P1/7/96 relating to the conditions for the application of the Community Levy;

MINDFUL of the Regulation C/REG.5/05/09 of May 27, 2009 adopting the Financial Regulations of the Institutions of the Economic Community of West African States (ECOWAS);

HAVING CONSIDERED the budget of the Community Court of Justice recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 – 26 November 2011,

A handwritten signature in black ink, consisting of a stylized 'A' followed by a flourish.

ENACTS

ARTICLE 1

The budget of the Community Court of Justice for the 2012 financial year, balanced in income and expenditure at the sum of Eleven million nine hundred and forty eight thousand two hundred and eight Units of Account (**11,948,208 UA**) is hereby approved.

ARTICLE 2

1. An amount of Eleven million nine hundred and twenty eight thousand two hundred and eight units of Account (**11,928,208 UA**) shall be derived from resources obtained from the Community Levy.
2. Additional amount of Twenty thousand units of account (**20,000 UA**) shall be derived from other sources.

ARTICLE 3

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011



.....
H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.13/12/11 APPROVING THE BUDGET OF THE WEST AFRICAN HEALTH ORGANISATION FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

MINDFUL of Protocol A/P.2/7/87 relating to the creation of the West African Health Organisation (WAHO);

MINDFUL of the provisions of Article 72 of the said Treaty relating to the Community Levy;

MINDFUL of the provisions of Article 69 of the said Treaty which relate to the budgets of the Community Institutions;

MINDFUL of the Protocol A/P1/7/96 relating to the conditions for the application of the Community Levy;

MINDFUL of the Regulation C/REG.5/05/09 of May 27, 2009 adopting the Financial Regulations of the Institutions of the Economic Community of West African States (ECOWAS);

HAVING CONSIDERED the budget of the West African Health Organisation recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja, from 23 – 26 November 2011.

A handwritten signature in black ink, located at the bottom right of the page.

ENACTS

ARTICLE 1

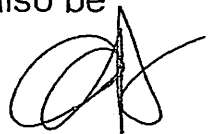
The budget of the West African Health Organisation for the 2012 financial year, balanced in income and expenditure at the sum of Seventeen million three hundred and sixty three thousand eight hundred and seventeen Units of Accounts **(17,363,817UA)** is hereby approved.

ARTICLE 2

1. An amount of Fourteen million and fifty seven thousand three hundred and sixty five Units of Account **(14,057,365UA)** shall be derived from resources obtained from the Community Levy.
2. Additional amount of three million two hundred and ninety five thousand eight hundred and ninety seven Units of Account **(3,295,897 UA)** shall be derived from external sources.
3. Additional amounts in the sum of ten thousand five hundred and fifty five Units of Account **(10,555UA)** shall be derived from other sources.

ARTICLE 3

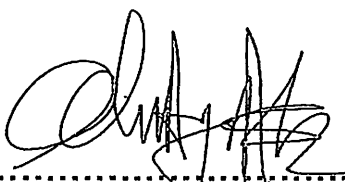
This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be



- 2 -

published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to read 'Olugbenga Ashiru', is written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.14/12/11 APPROVING THE BUDGET OF THE INTERGOVERNMENTAL ACTION GROUP AGAINST MONEY LAUNDERING IN WEST AFRICA (GIABA) FOR THE 2012 FINANCIAL YEAR

THE COUNCIL OF MINISTERS,

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

MINDFUL of the provisions of Article 69 of the said Treaty which relate to the budget of the Community Institutions;

MINDFUL of the provisions of Article 72 of the Treaty relating to the Community Levy;

MINDFUL of Protocol A/P1/7/96 relating to the conditions for the application of the Community Levy;

MINDFUL of Decision A/DEC.9/12/99 establishing GIABA and the Revised Statutes of the Intergovernmental Action Group Against Money Laundering in West Africa.

MINDFUL of the Regulation C/REG.5/05/09 of May 27, 2009 adopting the Financial Regulations of the Institutions of the Economic Community of West African States (ECOWAS);

HAVING CONSIDERED the budget of the Intergovernmental Action Group Against Money Laundering in West Africa recommended by the Tenth meeting of the Administration and Finance Committee held in Abuja from 23 – 26 November 2011.

A handwritten signature in black ink, located at the bottom right of the page.

ENACTS

ARTICLE 1

The budget of the Intergovernmental Action Group Against Money Laundering in West Africa for the 2012 financial year, balanced in income and expenditure at the sum Eight million nine hundred and eighty two thousand seven hundred and seventy nine Units of Accounts (8,982,779UA) is hereby approved.

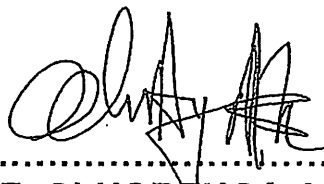
ARTICLE 2

1. An amount of eight million six hundred and eighty two thousand seven hundred and seventy nine Units of Accounts (8,682,779UA) shall be derived from resources obtained from the Community Levy.
2. Additional amounts in the sum of three hundred thousand Units of Accounts (300,000 UA) shall be derived from external sources.

ARTICLE 3

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days upon signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011



.....
H.E. OLUGBENGA ASHIRU

**CHAIRMAN
FOR COUNCIL**



SIXTY-SEVENTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 19 – 21 December 2011

REGULATION C/REG.15/12/11 AMENDING ARTICLES 40, 71, 72 OF THE FINANCIAL REGULATIONS OF THE INSTITUTIONS OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

THE COUNCIL OF MINISTERS,

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

MINDFUL of Article 74 of the said ECOWAS Treaty relating to the Financial Regulations and Manual of Accounting Procedures of the Community Institutions;

MINDFUL of Article 69 of the ECOWAS Treaty relating to the budgets of Community Institutions;

CONSIDERING that the transformation of the Executive Secretariat into a Commission, and the revision of the operational texts of Community Institutions, including the Financial Regulations satisfy the demands of modernizing the administrative, financial, and accounting management of the Institutions;

BEARING IN MIND that the Financial Regulations of the Community Institutions and their Manual of Procedures which have entered into force and are being applied, are for the purpose of adopting international best practices in administrative and financial management in the day-to-day operation of Community Institutions;

A handwritten signature in black ink, located at the bottom right of the page, below the final paragraph of text.

NOTING that, in the light of the fact that the Financial Regulation of the Community Institutions and the related Manual of Procedures have been in use since 2010, deadlines for the execution of expenditures, the adoption of International Public Sector Accounting Standards (IPSAS), and the consolidation of the budget and financial statements of the Community institutions, as prescribed successively in Articles 40, 71 and 72 of the Financial Regulation, are no longer valid as a result of the re-organisation of some financial and internal accounting systems;

NOTING FURTHER that, for the purpose of the operation of our institutions, it has become a matter of necessity to set up a Resource Planning System (RPS) for the organization, with a view to helping automate and increase programme execution capacity and other financial and administrative management activities of the Community Institutions.

AWARE of the need to review the Financial Regulations by amending Articles 40, 71 and 72 to take due account of these new demands;

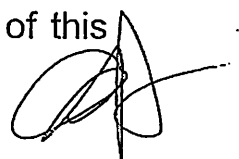
DESIROUS to proceed on the amendment of these articles;

ON THE RECOMMENDATION of Tenth Administration and Finance Committee meeting held in Abuja from 23 to 26 November 2011.

HEREBY ENACTS:

Article 1 : Amendments

Articles 40, 71 and 72 of the Financial Regulation of ECOWAS Institutions are hereby amended as set out in the provisions of this Regulation.

A handwritten signature in black ink, consisting of a stylized 'A' with a long horizontal stroke extending to the right.

Article 2 : New Article 40: Deadline for the execution of expenditure operations

1. Other than staff expenditures, no commitments may be made after 15 December of the year under review. Nonetheless, at the end of the financial year, the Authorizing Officer shall have a period of three (3) months within which to issue payment vouchers for certified rights and services rendered during the year elapsed.
2. In addition, the Head of Institution may, on the basis of a decision of the Chairman of Council taken on the advice of the Financial Controller, carry over available credits to the following financial year for the payment of outstanding debts or to continue implementation of the programmes approved by the competent Authorities of the Community Institutions.
3. The opinion of the Financial Controller thus expressed shall be based on relevant technical grounds.

Article 3: New Article 71: Adoption of International Public Sector Accounting Standards (IPSAS)

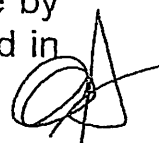
The IPSAS standards provided under Article 58 of the Financial Regulations shall become effective from 1st January 2014.

Article 4: New Article 72: Consolidation of Community Budget and Financial Statements

The consolidation of the Budget and Financial Statements of the Institutions of the Community as stipulated under Article 58 of these Regulations shall become effective on the Financial Statements ending 31st December 2014.

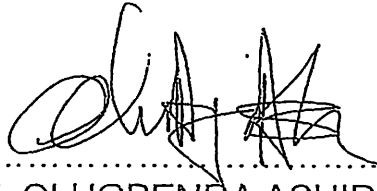
Article 5: Entry into force and publication

This Regulation shall enter into force on the date of signature by the Chairman of the Council of Ministers. It shall be published in the Community Official Journal within thirty (30) days of its



signature, and by each Member State in its Official Gazette within the same time-frame upon notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, consisting of a series of loops and strokes, positioned above a horizontal dotted line.

H.E. OLUGBENDA ASHIRU

CHAIRMAN

FOR COUNCIL



SIXTY-SEVENTH ORDINARY SESSION OF THE COUNCIL OF MINISTERS

Abuja, 19 – 21 December 2011

REGULATION C/REG.16/12./11 ADOPTING THE ECOWAS HUMANITARIAN RESPONSE MECHANISM

THE COUNCIL OF MINISTERS,

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

MINDFUL of Article 58 of the said Treaty which obliges Member States to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security;

MINDFUL of Articles 40 and 41 of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed in Lome on 10 December 1999 which amongst other issues provides for regional intervention in disaster situations occasioned by natural phenomena or by conflict for the development of capacity to undertake humanitarian actions in such situations and cooperation with other Humanitarian agencies;

AWARE that the region has experienced grave humanitarian consequences caused by conflicts and oftentimes natural disasters, all of which have worked untold hardship on our peoples and have given rise to the death and displacement of our peoples, increased refugee situation, destruction of property, in addition to having a deleterious effect on development, political and economic stability of our States;

A handwritten signature in black ink, consisting of a stylized 'A' followed by a flourish.

HAVING NOTED the development in 2006, of an ECOWAS emergency response team (EERT) mechanism by the ECOWAS Commission that is gradually building both regional and national capacity for responding to humanitarian crises within the region;

MINDFUL of the Supplementary Act A/8/01/07 adopting the ECOWAS Policy on Disaster Risk Reduction;

MINDFUL of the Regulation MSC/REG.2/01/08 that formally established the above mentioned ECOWAS Emergency Response Team mechanism calling for a full operationalisation of the EERT mechanism;

MINDFUL also of Regulation MSC/REG.1.01/08 on the Adoption of the ECOWAS Conflict Prevention framework (ECPF) particularly section VIII paragraphs 93 to 96 on Humanitarian Assistance;

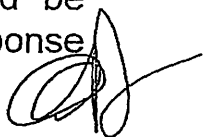
CONSIDERING that Humanitarian Assistance as a component and operational tool in the implementation of ECPF sets out to mitigate the impact of humanitarian disaster and emergencies and serves as a bridge between relief/emergency assistance, medium term rehabilitation and reconstruction efforts in post-conflict and disaster settings;

CONSIDERING that the EERT mechanism formally established in January 2008 is a component of the Regional Humanitarian Response mechanism;

NOTING that regional response to humanitarian crises in West Africa does not sufficiently meet key emergency needs in major crises such as conflicts, natural disasters, human made disasters and mixed migration;

RECALLING the directive of the Council of Ministers for the elaboration of an ECOWAS Humanitarian Response Mechanism for the Region;

AWARE that an ECOWAS Humanitarian Relief Fund should be another critical component of the ECOWAS Humanitarian Response Mechanism



AWARE that it is imperative to have in place a Regional Humanitarian response Mechanism which is predictable, timely and effective in humanitarian emergency situations;

DESIROUS of establishing a Regional Humanitarian Response Mechanism;

ON THE RECOMMENDATION of the 10th Meeting of the Administration and Finance Committee held from 23 – 26 November 2011.

ENACTS

Article 1

1. The ECOWAS Humanitarian Response Mechanism (EHRM) is hereby adopted as attached in annex to this Regulation.
2. The ECOWAS Humanitarian Relief Fund (EHRF) referred to in the EHRM shall be an integral part of the ECOWAS Solidarity Fund and be located therein when the latter is established.
3. Within the framework of the management of the Solidarity Fund, the ECOWAS Commission shall establish a mechanism that allows for a quick disbursement of the EHRF when required.
4. In the interim, disbursement of the EHRF shall be undertaken in compliance with the modalities defined within the Humanitarian Response Mechanism.

Article 2

1. The ECOWAS Commission shall undertake all necessary measures to ensure full application of the Humanitarian Response Mechanism.

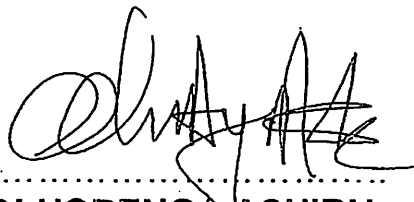


2. The Commission shall ensure that ECOWAS national units are fully involved in all Humanitarian fields assessment missions undertaken to determine resource requirement for emergency response.
3. The President of the Commission shall also seek the assistance of other relevant humanitarian agencies in the process of applying the mechanism and shall establish the appropriate legal frameworks thereon.

Article 3

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community of West African States within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette within thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF NOVEMBER 2011



.....
H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty-Seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.17/11/11 ON THE ESTABLISHMENT OF THE ECOWAS PENSION SCHEME FOR STAFF OF ECOWAS INSTITUTIONS

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

RECALLING that the Council of Ministers during its ninth session adopted the rules governing the management of ECOWAS provident Fund and authorized ECOWAS Staff members to join the Pension Fund of the Central Bank of West African States (BCEAO);

MINDFUL of the Regulation C/REG.11/7/96 of 21st July 1996 authorizing the ECOWAS staff members to be members of the pension Fund of the Central Bank of West African States (BCEAO);

RECALLING also that the effective implementation of the Regulation C/REG.11/7/96 allowed the staff of the Commission to join the BCEAO Pension Scheme through the ECOWAS Bank for Investment and Development (EBID), and that this opportunity is no longer available to staff of all the ECOWAS Institutions with the exception of EBID;

MINDFUL of article 47 of the ECOWAS Staff Regulations on pension;

CONSIDERING paragraphs 37 to 42 of the report of the seventh meeting of the Administration and Finance Committee which took place in Abuja from 26th to 28th April 2010;

CONVINCED that the establishment of an ECOWAS Pension Scheme will guarantee payment of a lump sum at retirement and monthly pension for life;

CONVINCED also that the ECOWAS Pension Scheme will guarantee that staff members are not disadvantaged compared to their colleagues who have already joined CRRAE and RCNPC;

RECALLING the Inter-institutional meeting which took place in Cotonou in 2011 to deliberate and recommend the parameters for the establishment of the Pension Scheme;

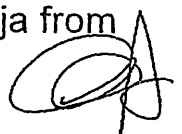
AWARE that a study of the Pension Fund shows that there is the need to inject an initial lump sum for the scheme to take off and be sustainable in view of the fact that a large number of staff who should benefit from the Pension Fund would be due for retirement in the next six (6) years;

TAKING INTO ACCOUNT the fact that a recent actuarial valuation carried out in 2011 indicated that there was a funding gap of about US\$ 11,322,437 million;

CONVINCED that an increase in the retirement age from 60 to 62 years would help provide part of the funding to bridge the funding gap revealed by the aforesaid actuarial valuation and therefore facilitate the establishment of the Pension;

DESIROUS to establish and ensure the take-off of an ECOWAS Staff Pension Scheme for the ECOWAS Staff members as provided for under the aforementioned Staff Regulations;

ON THE RECOMMENDATION of the Tenth meeting of the Administration and Finance Committee which was held in Abuja from 23 to 26 November 2011;

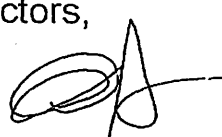


ENACTS

Article 1:

1. The ECOWAS Staff Pension Scheme is hereby established in compliance with Article 47 (a) (III) of the ECOWAS Staff Regulations of 2005 and shall take effect from 1st January 2012.
2. The Scheme is established for all categories of staff of Institutions of this Community subject to conditions laid out under Article 47 (d) of the Staff Regulations.
3. The ECOWAS Commission shall, using ECOWAS procurement procedures, engage the services of Pension Fund Managers to manage the Staff Pension Scheme.

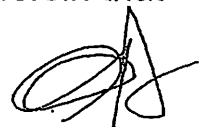
Article 2:

1. A Board of Trustees is hereby established to carry out administrative activities to facilitate the initial take-off of the ECOWAS Pension Scheme for Staff of Community Institutions.
 2. The composition of the Board of Trustees shall be as follows:
 - a. Chairman: Commissioner for Administration and Finance;
 - b. Deputy Chairman: Senior Registrar, Court of Justice;
 - c. Two representatives of the Institutions: Human Resources Directors of the Commission and ECOWAS Parliament;
 - d. Two staff representatives: GIABA and WAHO (Directors, Administration and Finance);
 - e. Two representatives of the Pensioners;
 - f. Secretary: Commission.
- 

3. Membership of the Board of the Trustees shall be reviewed by the Board itself as and when necessary.
4. The Board of Trustees shall on behalf of beneficiaries of the Scheme monitor the management of the Pension Scheme Managers.
5. In order to facilitate initial take off of the Pension Scheme, the Board of Trustees shall carry out necessary reconciliation of this Scheme with all other established pension plans at which staff of the Community is involved and to which the Community is financially committed.

Article 3:

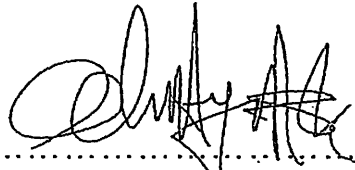
1. The Commission shall source from the internal resources of the Community a total sum of six million, seven hundred and ninety three thousand, five hundred and sixty four (6,793,564 US\$) million United States dollars as part funding to facilitate the immediate take off of the Pension Scheme.
2. As a means of ensuring contributory funding from Staff of the Community as well as adequacy and sustainability of the funding for the Pension Scheme the retirement age as prescribed under the ECOWAS Staff Regulations of 2005 is hereby amended and the retirement age extended from 60 – 62 years with effect from 1st January 2012.
3. This Article thereby supersedes Article 61 (a) (i) of the 2005 ECOWAS Staff Regulations and all other provisions therein that refer to the ECOWAS Staff retirement age.

A handwritten signature in black ink, consisting of a stylized 'A' with a large loop on the left and a horizontal stroke at the bottom.

Article 4:

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Economic Community of West African States within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall also be published by each Member State in its National Gazette within thirty (30) days after notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to read 'Olugbenga Ashiru', is written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

**CHAIRMAN
FOR COUNCIL**



Sixty-Seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C /REG.18/12 /11 INCREASING THE GRANT ALLOCATED TO NATIONAL CONVERGENCE COMMITTEES ON MULTILATERAL SURVEILLANCE

THE COUNCIL OF MINISTERS;

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

MINDFUL of Article 74 of the said ECOWAS Treaty relating to the Financial Regulation and Manual of Accounting Procedures of Community Institutions;

MINDFUL of Article 69 of the ECOWAS Treaty relating to the budgets of Community Institutions;

MINDFUL of Decision A/DEC. 2/7/87 relating to the adoption of a Monetary Cooperation Programme which envisages the creation of a single monetary zone within ECOWAS;

MINDFUL of Decision A/DEC.7/12/99 of 10 December 1999 relating to the adoption of macroeconomic convergence criteria within the framework of the ECOWAS monetary cooperation programme;

MINDFUL of Decision A/DEC.17/12/01 of 21 December 2001 creating a mechanism for multilateral surveillance of economic and financial policies of ECOWAS Member States;

MINDFUL of the Report of the meeting of the Convergence Council held in Lome, Togo on 14 October 2011

CONSIDERING that the external funds established to finance national committees on multilateral surveillance are running out and are no longer sufficient to cover their needs;

CONSCIOUS of the need to strengthen the efficiency of the ECOWAS multilateral surveillance mechanism by allocating a grant to the Committees;

DESIROUS to allocate the necessary funds to the national Convergence Committees;

ENACTS

ARTICLE 1

By this Regulation, an amount of forty-five thousand (45 000) US dollars is hereby allocated to the National Convergence Committees for the purpose of implementing their activities.

ARTICLE 2

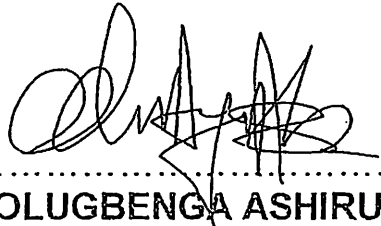
The balance shall be paid during the next budget session of the Administration and Finance Committee in 2012.

A handwritten signature in black ink, consisting of a stylized, cursive 'A' with a horizontal line extending to the right.

ARTICLE 3:

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall equally be published by each Member State in its Official Gazette within thirty (30) days upon notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to read 'Olugbenga Ashiru', is written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

**CHAIRMAN
FOR COUNCIL**



Sixty-Seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.19/12/11 RELATING TO THE CREATION AND FUNCTIONING OF AN AIR TRANSPORT COMMITTEE WITHIN ECOWAS

THE COUNCIL OF MINISTERS

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

MINDFUL of Article 32 (1) (f) of the said Treaty which provides that Member States encourage co-operation in flight scheduling, leasing of aircraft and granting joint use of fifth freedom rights to airlines in the region;

MINDFUL of Supplementary Protocol A/SP.1/06/06 amending the said 1993 Treaty;

RECALLING the Convention on International Civil Aviation signed at Chicago, on the 7th December 1944 and its annexes;

MINDFUL ALSO of the Memorandum of Understanding (MOU) on the Implementation of the Yamoussoukro Decision on the Liberalization of Air Transport signed by twenty three (23) States of West and Central Africa on 14 November 1999;

A handwritten signature in black ink, consisting of a stylized, cursive script, is located at the bottom right of the page.

MINDFUL of Article e, [new Articles 19 (2), 79 and 83 (3)] of the Supplementary Protocol A/SP.1/06/06 amending the Revised Treaty of 1993 which appoints the President of the ECOWAS Commission as the legal representative of ECOWAS and authorises the said President of the Commission to conclude co-operation agreements with other Regional Communities on behalf of the entire Community;

MINDFUL of the fact that international aviation relations between Member States of the Economic Community of West African States (ECOWAS) and third parties respectively are traditionally governed by bilateral air service agreements, their annexes and other related multilateral agreements;

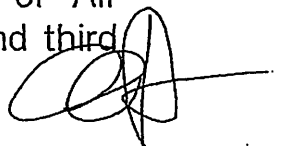
RECOGNISING the need to put in place, within the context of all negotiations, adequate safeguards which will sustain effective participation of air carriers within ECOWAS Member States in international air transport;

RECALLING the Guidelines on a Common African Position for the Negotiation of Air Services Agreements adopted by the African Ministers of Transport in Algiers (Algeria) from 21-25 April 2008;

HAVING NOTED the Resolution No. 12/JMTICAF/09 on the Common External Policy of ECOWAS Member States for the Negotiation of Air Services Agreements with Third Countries adopted by the ECOWAS Ministers in charge of Civil Aviation in Yamoussoukro on 5th June 2009;

ALSO NOTING the conclusions of the meeting of a Technical Committee of Experts in relation to Negotiation of Air Services Agreement with Third Countries that was held in Bamako, Mali May 2010;

DESIROUS of strengthening the capacity for negotiation of Air Transport agreements between ECOWAS Member States and third Parties;

A handwritten signature in black ink, consisting of a stylized 'A' with a horizontal line extending to the right.

ON THE RECOMMENDATION of A Joint Meeting of ECOWAS Ministers Transport/Civil Aviation/Infrastructure/Finance and Chief Executive Officers of Airlines held in Yamoussoukro, Cote d'Ivoire, 1st – 5th June 2009; charge of Civil Aviation that was held on 17th September 2010 at Yamoussoukro, Cote d'Ivoire;

ENACTS

Article 1

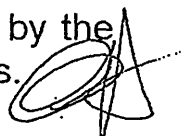
Having regard to Article 83 of the 1993 ECOWAS Treaty as amended, which authorises the Community to conclude cooperation agreements with third countries, the ECOWAS Commission shall engage in negotiations with third parties on matters relating to Air Services.

Article 2

1. The ECOWAS Commission shall, prior to any negotiation, convene meetings of the Air Transport Committee established by Regulation C/REG.20/12/11, in order to ensure the formulation and adoption of common positions that would promote and safeguard the interests of the Region.
2. The ECOWAS Commission shall take into account the technical advice and guidelines provided by the Air Transport Committee referred to in paragraph 1 of this Article.
3. The ECOWAS Commission shall ensure regular reporting of the status of these negotiations to the Council of Ministers.

Article 3

The ECOWAS Commission shall in the course of these negotiations with third parties, take into account the guidelines developed by the African Union (AU) for the negotiation of air service agreements.



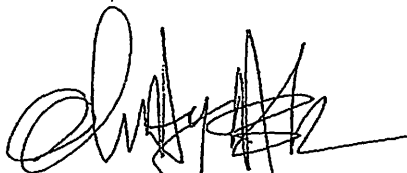
Article 4

The President of the ECOWAS Commission shall in compliance with Article 2 (new Article 83, paragraph 3) of the Supplementary Protocol A/SP.1/06/06 amending the Revised Treaty and on behalf of the entire Community, conclude and sign all cooperation agreements negotiated with third parties in the air services sector.

Article 5

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall equally be published by each Member State in its Official Gazette within thirty (30) days upon notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011



.....
H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty-Seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.20/12/11 RELATING TO THE NEGOTIATION OF AIR SERVICES BETWEEN ECOWAS AND THIRD PARTIES

THE COUNCIL OF MINISTERS

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

MINDFUL of Chapter VII of the said ECOWAS Treaty which amongst other issues, provides that Member States commit themselves to develop Regional air transportation services and encourage co-operation in flight scheduling, leasing of aircraft and granting the joint use of fifth freedom rights to airlines in the ECOWAS region;

MINDFUL of the Convention on International Civil Aviation signed at Chicago, on the 7th December 1944 and its annexes;

MINDFUL of the Yamoussoukro Decision relating to the Declaration concerning the Liberalisation of Access to Air Transport Markets in Africa signed on the 14 November 1999 and adopted by the Assembly of Heads of State of the African Union/African Economic Community on 11 July 2000;

MINDFUL of Article 85 of the said ECOWAS Treaty which provides that Member States of ECOWAS formulate and adopt common positions within the Community on issues relating to International negotiations with third Parties in order to promote and safeguard the interests of the region;

A handwritten signature in black ink, consisting of a stylized, cursive script, is located at the bottom right of the page.

MINDFUL of Article e, [new Articles 19 (2), 79 and 83 (3)] of the Supplementary Protocol A/SP.1/06/06 amending the Revised Treaty of 1993 which appoints the President of the ECOWAS Commission as the legal representative of ECOWAS and authorises the said President of the Commission to conclude co-operation agreements with other Regional Communities on behalf of the entire Community;

MINDFUL of the fact that international aviation relations between Member States of the Economic Community of West African States (ECOWAS) and third parties respectively are traditionally governed by bilateral air service agreements, their annexes and other related multilateral agreements;

RECOGNISING the need to put in place, within the context of all negotiations, adequate safeguards which will sustain effective participation of air carriers within ECOWAS Member States in international air transport;

RECALLING the Guidelines on a Common African Position for the Negotiation of Air Services Agreements adopted by the African Ministers of Transport in Algiers (Algeria) from 21-25 April 2008;

HAVING NOTED the Resolution No. 12/JMTICAF/09 on the Common External Policy of ECOWAS Member States for the Negotiation of Air Services Agreements with Third Countries adopted by the ECOWAS Ministers in charge of Civil Aviation in Yamoussoukro on 5th June 2009;

ALSO NOTING the conclusions of the meeting of a Technical Committee of Experts in relation to Negotiation of Air Services Agreement with Third Countries that was held in Bamako, Mali May 2010;

DESIROUS of strengthening the capacity for negotiation of Air Transport agreements between ECOWAS Member States and third Parties;



ON THE RECOMMENDATION of A Joint Meeting of ECOWAS Ministers Transport/Civil Aviation/Infrastructure/Finance and Chief Executive Officers of Airlines held in Yamoussoukro, Cote d'Ivoire, 1st – 5th June 2009; charge of Civil Aviation that was held on 17th September 2010 at Yamoussoukro, Cote d'Ivoire;

ENACTS

Article 1

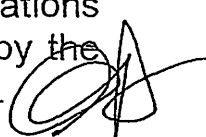
Having regard to Article 83 of the 1993 ECOWAS Treaty as amended, which authorises the Community to conclude cooperation agreements with third countries, the ECOWAS Commission shall engage in negotiations with third parties on matters relating to Air Services.

Article 2

1. The ECOWAS Commission shall, prior to any negotiation, convene meetings of the Air Transport Committee established by Regulation C/REG.20/12/11, in order to ensure the formulation and adoption of common positions that would promote and safeguard the interests of the Region.
2. The ECOWAS Commission shall take into account the technical advice and guidelines provided by the Air Transport Committee referred to in paragraph 1 of this Article.
3. The ECOWAS Commission shall ensure regular reporting of the status of these negotiations to the Council of Ministers.

Article 3

The ECOWAS Commission shall in the course of these negotiations with third parties, take into account the guidelines developed by the African Union (AU) for the negotiation of air service agreements.



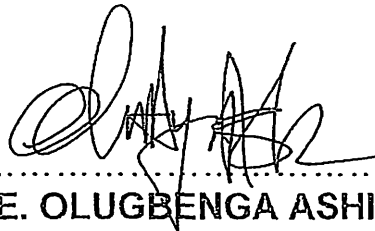
Article 4

The President of the ECOWAS Commission shall in compliance with Article 2 (new Article 83, paragraph 3) of the Supplementary Protocol A/SP.1/06/06 amending the Revised Treaty and on behalf of the entire Community, conclude and sign all cooperation agreements negotiated with third parties in the air services sector.

Article 5

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall equally be published by each Member State in its Official Gazette within thirty (30) days upon notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, appearing to be 'O. Ashiru', is written over a horizontal dotted line.

H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty-Seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG. 21/12/11 ADOPTING THE CHARTER FOR FOOD CRISIS PREVENTION AND MANAGEMENT

THE COUNCIL OF MINISTERS,

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

MINDFUL of the provisions of Article 25 of the said Treaty relating to agricultural development and food security;

MINDFUL of Decision A/DEC.11/01/05 of 19 January 2005 adopting the ECOWAS Agricultural Policy (ECOWAP/CAADP);

CONSIDERING that Decision A/DEC.11/01/05 provides that, over time, regional or technical cooperation organizations should mainstream their strategies and sector policies and programmes relating to agriculture, food and natural resource management into the orientations and priorities of the Agricultural Policy of the Economic Community of West African States.

CONSIDERING the Memorandum of Understanding on cooperation between the Economic Community of West African States (ECOWAS) and CILSS of 21 December 2006 identifying CILSS as the technical arm of ECOWAS in the implementation of:

- (i) the Priority Intervention Programme «Prevention and Management of Food Crises and other Natural Disasters (PREGEC/CAN) of ECOWAP/CAADP;

- (ii) the Sub-Regional Action Programme to combat Desertification in West Africa and Chad (SRAP/WA);

CONSIDERING the Memorandum of Understanding of 28 May 2008 on cooperation between CILSS and the Commission of West African Economic and Monetary Union (UEMOA)

RECALLING that the «Charter for Food Crisis Prevention and Management» was formally adopted by Food and Agriculture Ministers of ECOWAS Member States, Mauritania and Chad at their meeting held in Conakry on 17 November 2011;

EAGER to ensure full ownership of the «Charter for Food Crisis Prevention and Management» by ECOWAS;

DESIROUS of adopting the «Charter for Food Crisis Prevention and Management» with a view to minimizing as much as possible the adverse effects of food aid and phasing it out over time;

ON THE RECOMMENDATION of the meeting of Food and Agriculture Ministers of ECOWAS Member States, Mauritania and Chad held in Conakry, Guinea on 17 November 2011;

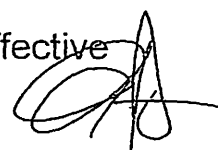
ENACTS

ARTICLE 1

The «Charter for Food Crisis Prevention and Management» attached hereto is hereby adopted.

ARTICLE 2

ECOWAS Member States and Institutions shall ensure the effective implementation of the Charter.



ARTICLE 3

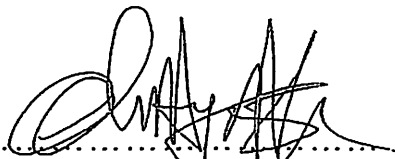
The ECOWAS shall however, make practical arrangements for the approval and effective implementation of the Charter by carrying out the following activities:-

1. The development and funding of a programme to disseminate the Charter's text in all signatory countries, taking into account local languages and the differing socio-cultural environments;
2. The implementation of the evaluation and monitoring mechanism for the Charter's implementation at the national and regional level;
3. The development and funding of a capacity building programme for national food security systems and civil society in light of their active participation in implementing the Charter;
4. Work to ensure that the intervention approach of financial and technical partners is kept within the framework of the principles and commitments of the Charter.

ARTICLE 4

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall equally be published in the Official Gazette of each Member State within thirty (30) days upon notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011



.....
H.E. OLUGBENGA ASHIRU

CHAIRMAN

FOR COUNCIL



Sixty-Seventh Ordinary Session of the Council of Ministers

Abuja, 19 – 21 December 2011

REGULATION C/REG.22/12 /11 RELATING TO THE AFRICAN UNION CONVENTION FOR THE PROTECTION AND ASSISTANCE OF INTERNALLY DISPLACED PERSONS IN AFRICA (KAMPALA CONVENTION)

THE COUNCIL OF MINISTERS;

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

MINDFUL of Articles 40 and 41 of the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security signed in Lome on 10 December 1999 which amongst other issues provides for regional intervention in disaster situations occasioned by natural phenomena or by conflict for the development of capacity to undertake humanitarian actions in such situations and cooperation with other Humanitarian agencies;

MINDFUL of the Supplementary Act A/8/01/07 adopting the ECOWAS Policy on Disaster Risk Reduction;

MINDFUL of the Regulation MSC/REG.2/01/08 that formally established the ECOWAS Emergency Response Team mechanism;

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a long horizontal stroke extending to the right.

MINDFUL also of Regulation MSC/REG.1.01/08 on the Adoption of the ECOWAS Conflict Prevention framework (ECPF) particularly section VIII paragraphs 93 to 96 on Humanitarian Assistance;

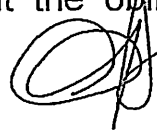
CONSIDERING that the massive internal displacement of persons which have occurred in the West African sub-region due to civil war, internal communal conflicts, ethno religious conflicts, natural disaster and climate change, development projects and human rights violations have negatively impacted on the fundamental human rights of internal displaced persons (IDPs);

DETERMINED to address the issue of internal displaced persons as this constitutes a major challenge to regional integration and national development in the region;

CONSIDERING the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention) of 23rd October 2009 adopted by the Special Summit of the African Union which reaffirms the fundamental principle that African countries must bear the responsibility of providing protection and assistance to IDPS;

NOTING that in order to realise the vision and promise contained in the Convention, the Executive Council of the African Union adopted a plan of Action (2010 – 2012) in which it expressly stressed that Regional Economic Communities (RECs) have a vital role to play in implementing the provisions of the Convention;

DESIROUS therefore of ensuring that ECOWAS Member States sign and ratify the Kampala Convention and implement the obligations arising from States by the Convention;

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by a series of loops and a final vertical stroke.

ON THE RECOMMENDATION of the First Ministerial Meeting on Humanitarian Assistance and Internal Displacement in West Africa which was held in Abuja, Nigeria from 5 – 7 July 2011;

HEREBY ENACTS

ARTICLE 1:

1. Member States who have not already done so, should sign and ratify the African Union Convention for the Protection and Assistance of Internally displaced Persons in Africa.
2. Member States should also sign and ratify all other International Treaties and Conventions relating to internally displaced persons, including the OAU Convention governing specific aspects of refugee problems in Africa

ARTICLE 2:

Member States undertake to respect the principles enunciated by the Kampala Convention especially as they relate to State responsibility for the prevention of internal displacement, protection of displaced persons, provision of humanitarian assistance and funding durable solution for internal displacement.

ARTICLE 3:

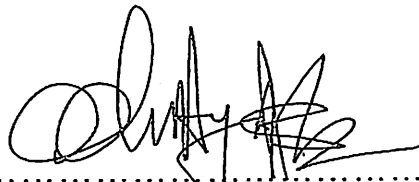
The ECOWAS Commission in collaboration with Member States will support African Union efforts in disseminating IDP Convention in order to facilitate its incorporation into their national body laws as well as its implementation.



ARTICLE 4:

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of signature by the Chairman of the Council of Ministers. It shall equally be published by each Member State in its Official Gazette within thirty (30) days upon notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, positioned above a horizontal dotted line.

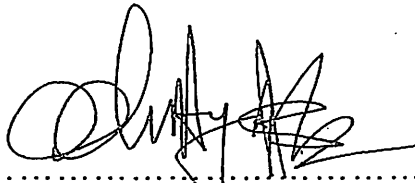
H.E. OLUGBENGA ASHIRU

**CHAIRMAN
FOR COUNCIL**

ARTICLE 4:

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall equally be published by each Member State in its Official Gazette within thirty (30) days upon notification by the Commission.

DONE AT ABUJA, THIS 21ST DAY OF DECEMBER 2011

A handwritten signature in black ink, consisting of a large, stylized 'O' followed by several loops and a long horizontal stroke.

.....
H.E. OLUGBENGA ASHIRU

**CHAIRMAN
FOR COUNCIL**

COMMUNIDADE DOS ESTADOS
DA AFRICA DO OESTE

ECONOMIC COMMUNITY OF WEST
AFRICAN STATES



COMMUNAUTÉ ÉCONOMIQUE DES
ÉTATS DE L'AFRIQUE DE L'OUEST

Ref. : ECW/HOSG/ABJ/40

40TH ORDINARY SESSION OF THE AUTHORITY
OF HEADS OF STATE AND GOVERNMENT

Abuja, 16 -17 February 2012

FINAL COMMUNIQUE

February 2012

1. The Fortieth Ordinary Session of the Authority of Heads of State and Government of the Economic Community of West African States was held in Abuja, Federal Republic of Nigeria from 16 -17 February 2012 under the chairmanship of **His Excellency Goodluck Ebele Jonathan**, GCFR, President of the Federal Republic of Nigeria and Chairman Authority.

2. The following Heads of State and Government or their accredited representatives were present at this session:

- His Excellency **Thomas Boni YAYI**
President of the Republic of Benin
- His Excellency **Blaise COMPAORE**
President of Faso
- His Excellency **Jose Maria Pereira NEVES**
Prime Minister and Head of Government of the Republic of Cape Verde
- His Excellency **Alassane OUATTARA**
President of the Republic of Cote d'Ivoire
- His Excellency **Alpha CONDE**
President of the Republic of Guinea
- His Excellency **Raimundo PEREIRA**
Interim President of the Republic of Guinea Bissau
- Her Excellency **Ellen JOHNSON-SIRLEAF**
President of the Republic of Liberia
- His Excellency **Issoufou MAHAMADOU**
President of the Republic of Niger
- His Excellency **Jonathan Ebele GOODLUCK**
GCFR, President, of the Federal Republic of Nigeria
- His Excellency **Ernest Bai KOROMA**
President of the Republic of Sierra Leone
- His Excellency **Alhaji Muhammad MUMUNI**
Minister of Foreign Affairs and Regional Integration of the Republic of Ghana
- His Excellency **Abdou KOLLEY**
Minister of Fisheries, Water Resources and National Assembly Matters
of the Republic of The Gambia
- His Excellency **Badara Aliou MACALOU**
Minister of Integration and Malians Abroad of the Republic of Mali

- His Excellency **Mamadou NDIAYE**
Ambassador, Director of Cabinet to the Minister of Foreign Affairs of the Republic of Senegal
- His Excellency **Eliott OHIN**
Minister of Foreign Affairs and Cooperation of the Togolese Republic

3. His Excellency **Saïd DJINNIT**, Special Representative of the Secretary General of the United Nations Organisation for West Africa and H.E. **Jean PING**, President of the African Union Commission also participated in the Summit as observers.

4. The Heads of State and Government took note of the 2011 Annual Report of the President of the ECOWAS Commission on the implementation of the Community Work Programme and the Report of the 66th and 67th Ordinary Sessions of the Council of Ministers. They also heard the Report of the 10th Extraordinary Session of the Council of Ministers adoption of the Report of the Ad Hoc Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees, as well as the Report of the 29th Meeting of the Mediation and Security Council.

5. Summit deliberated on the various reports, after which it took the following decisions:

On the Regional Integration Process

6. Authority reaffirmed its commitment to deepening the regional integration process, particularly in the area of macroeconomic convergence, interconnectivity, agriculture and food security, as well as infrastructure, energy and socio economic programmes, including health, education, culture and Science.

7. Summit welcomed the adoption of the regulatory and operational framework for air transport in the region, and directed the Commission to fast-track the establishment of the institutional framework for its implementation.

8. Authority instructed the Commission to implement without delay the transfer of surplus Community Levy funds held at the Commission to the ECOWAS Bank for Investment and Development (EBID) to be lent to Member States for infrastructure development.

9. On the Economic Partnership Agreement between West Africa and the European Union, Summit underscored the urgency for both parties to rapidly conclude a development-oriented agreement by demonstrating greater flexibility and goodwill.

10. Authority exhorted all Member States, which have not yet done so, to make adequate provisions for the rapid ratification of ECOWAS protocols, and urged all Member States to ensure their effective application.

Regional Peace and Security

11. Summit commended the efforts of the Commission and Member States in the consolidation of peace and stability, as well as the promotion of the culture of democracy, in the region.

12. The Heads of State and Government expressed deep concern about the deteriorating security and humanitarian situation in the Sahel region, particularly in Mali and Niger.

13. Authority strongly condemned the MNLA rebellion in Mali and expressed its full support for the efforts being exerted by Mali to defend its territorial integrity. Calling for an immediate and unconditional cessation of hostilities by the rebels, Authority ordered them to immediately surrender all occupied zones in the country, and called on all parties involved in the crisis to engage in an inclusive dialogue to determine peaceful means and modalities for resolving the crisis.

14. Authority approved the release of Three Million US Dollars to assist Mali deal with the humanitarian consequences of the rebellion. Summit expressed its preoccupation with refugee flows and internal displacement, as well as worsening food insecurity in the Sahel region. To this end, it urgently called on humanitarian agencies and the International Community to join ECOWAS in taking all necessary measures that would guarantee protection, relief and succor for the populations adversely affected by the crises in Mali and Niger.

15. Acknowledging the increasing threat posed by piracy and other forms of organized maritime crime in the Gulf of Guinea, the Heads of State and Government stressed the importance of the political leadership and coordinating role of ECOWAS in combating the scourge. To this end, Summit tasked the Commission to urgently develop a holistic strategic maritime policy framework to guide future actions and cooperation, and to also strengthen collaboration with ECCAS, the Gulf of Guinea Council, and all other relevant stakeholders, with a view to confronting the challenges.

16. Summit instructed the Commission to convene an urgent meeting of the Committee of Chiefs of Defence Staff to review all the emerging security threats in the Sahel region and in the Gulf of Guinea and propose concrete recommendations to address them.

17. On democracy and Good Governance, Authority directed the Commission to intensify its effort aimed at deepening democratic culture in the region. In particular, it urged the Commission to continue assisting Member States in their electoral processes in order to ensure the conduct of free, fair and transparent elections. It called on Member States and the International Community to give full support to Guinea Bissau in its preparations for the forthcoming Presidential election to ensure a peaceful and successful outcome.

18. Summit endorsed the dispatch of a Joint AU-ECOWAS High-Level Mission led by H.E. Olusegun Obasanjo, Former President of the Federal Republic of Nigeria, to engage all the political stakeholders in Senegal with a view to promoting dialogue and ensuring peaceful, fair and transparent elections.

Institutional matters

19. Authority appointed H.E. **Kadré Désiré OUEDRAOGO**, a national of Burkina Faso, former Prime Minister and current Ambassador of Burkina Faso to Brussels, as President of the ECOWAS Commission for a four-year non-renewable tenure. It also endorsed the appointment of the new Vice-President and Commissioners at the Commission on the same themes as follows:

- Dr. Toga Gayewea McIntosh, Vice President, (Liberia);
- Mrs. Salamatu Hussein Suleiman, Commissioner for Political Affairs, Peace and Security, (Nigeria);
- Mrs. Khadi Ramatu Saccob, Commissioner for Administration and Finance, (Sierra Leone);
- Dr. Lapodini Marc Atouga, Commissioner for Agriculture, Environment and Water Ressources (Togo);
- Mr. Ahmed Hamid, Commissioner for Trade, Customs, Industry Mining, Free Movement and Tourism, (Niger);
- Dr. Ibrahim Bocar Ba, Commissioner for Macro Economic Policy, (Mali);
- Mr. Ebrima Njie, Commissioner for Infrastructure (The Gambia).

20. Authority directed the Chairman of the Council of Ministers to convene, as soon as possible, a meeting of the Council to consider the allocation of outstanding statutory positions within the ECOWAS Institutions and Agencies.

21. The Heads of State and Government warmly congratulated H.E. **James Victor Gbeho**, the outgoing President of the Commission, for his untiring effort in the implementation of ECOWAS integration projects and for the impressive achievements recorded during his term of office. They also extended their gratitude to the former Commissioners, who ably steered the affairs of the Commission.

22. The Heads of State and Government elected H.E. **Alassane Dramane Ouattara**, President of the Republic of Côte d'Ivoire, as Chairman of the Authority of ECOWAS Heads of State and Government for a one-year mandate.

23. The Heads of State and Government commended H.E **Goodluck Ebele Jonathan, GCFR**, President of the Federal Republic of Nigeria and outgoing Chairman of Authority, for his enormous contribution in defending and promoting democracy, and in the consolidation of peace and security in the Region. They expressed their gratitude for his foresight, wise counsel and exemplary leadership, which allowed the Community to scale new frontiers in the integration process during his chairmanship.

24. The next Ordinary Session of the Authority of Heads of State and Government will be held on a date to be communicated after consultations with the Chairman of Authority.

DONE AT ABUJA, THIS 17TH DAY OF FEBRUARY 2012

THE AUTHORITY



VOTE OF THANKS

We, the Heads of State and Government express their deep gratitude to H.E. **Goodluck Ebele Jonathan**, President of the Federal Republic of Nigeria, the Government and People of Nigeria, for their generous and African hospitality accorded us during our stay in Abuja, and for the excellent facilities put at our disposal for the successful holding of our 40th Ordinary Session.

DONE AT ABUJA THIS 17TH DAY OF FEBRUARY 2012

THE AUTHORITY

COMUNIDADE DOS ESTADOS DA
AFRICA DO OESTE

ECONOMIC COMMUNITY OF
WEST AFRICAN STATES



COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE DE
L'OUEST

EXTRAORDINARY SUMMIT OF ECOWAS HEADS OF STATE AND GOVERNMENT

ABIDJAN, COTE D'IVOIRE, 27 MARCH 2012

FINAL COMMUNIQUE

1. At the invitation of H.E. Alassane Dramane OUATTARA, President of the Republic of Cote d'Ivoire and current Chairman of ECOWAS, the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) held an Extraordinary Session in Abidjan, Republic Cote d'Ivoire, on 27 March 2012.
2. The Summit was convened to examine the latest developments in Mali following the overthrow of President Amadou Toumani Touré and the military takeover of government by the *Comité National de Redressement pour la Démocratie et la Restauration de l'Etat* (CNRDRE) in the early hours of 22 March 2012.
3. The following Heads of State and Government or their accredited representatives attended the Summit:
 - **His Excellency Thomas Boni YAYI**
President of the Republic of Benin

- **His Excellency Blaise COMPAORE**
President of Burkina Faso
- **His Excellency Alassane Dramane OUATTARA**
President of the Republic of Côte d'Ivoire
- **His Excellency John Evans ATTA-MILLS**
President of the Republic of Ghana
- **His Excellency Raimundo PEREIRA**
Interim President of the Republic of Guinea Bissau
- **Her Excellency Ellen JOHNSON-SIRLEAF**
President of the Republic of Liberia
- **His Excellency Issoufou MAHAMADOU**
President of the Republic of Niger
- **His Excellency Ernest Bai KOROMA**
President of the Republic of Sierra Leone
- **His Excellency Faure Essozimna GNASSINGBE**
President of the Togolese Republic
- **His Excellency Mohamed Said FOFANA**
Prime Minister of the Republic of Guinea
- **His Excellency Madicke NIANG**
Senior Minister of Foreign Affairs of the Republic of Senegal
- **His Excellency Mamadou TANGARA**
Minister of Foreign Affairs, International Cooperation and
Gambians Abroad
- **His Excellency Nurudeen MOHAMMAD**
Minister of State of Foreign Affairs of the Federal Republic of
Nigeria

4. The meeting was also attended by the following high ranking officials:

- **His Excellency Ramtane LAMAMRA**
Commissioner of Peace and Security of AU
Representing Chairman of the African Union Commission
- **His Excellency Said DJINNIT**
Special Representative of United Nations Secretary General in
West Africa
- **His Excellency Cheikhe Haguibou SOUMARE**
President of UEMOA Commission
- **His Excellency Messahel ABDELKADER**
Minister of State in charge of Maghrebian and African Affairs of
Democratic and Popular Republic of Algeria
- **His Excellency Sidi Ould TAH**
Minister of Economic Affairs and Acting Minister of Foreign Affairs
of the Islamic Republic of Mauritania.

5. The Heads of State and Government took note of the briefing by the President of the ECOWAS Commission on the current situation in Mali, including the report of the ECOWAS Fact-Finding Mission to Mali from 16-18 March 2012 and the joint mission of ECOWAS, AU and UN to Mali on 23 March 2012, as well as the briefings on the emergency meeting of the Committee of Chiefs of Defence Staff on the threats in the Sahel region and the Gulf of Guinea held in Abidjan on 9 March 2012, and also the meeting held in the margins of the Summit.

6. Summit recalled the Statement by ECOWAS of 21 March 2012 on the mutiny by a section of the Malian Armed Forces, and the Reaction of ECOWAS to the coup d'état on 22 March 2012. It also recalled the Decisions taken at its 40th Ordinary Summit in Abuja from 16-17 February 2012 on the

situation in Mali. After exhaustive deliberations on the situation in Mali, Summit took the following decisions:

On the take-over of Government by the *Comité National de Redressement pour la Démocratie et la Restauration de l'Etat (CNRDRE)*:

7. Authority reaffirms the inviolability of ECOWAS Protocols, in particular the pertinent provisions of the Supplementary Protocol on Democracy and Good Governance (2001), which declare “Zero Tolerance” for power obtained or maintained by unconstitutional means.

8. Authority unequivocally condemns the overthrow of the democratically-elected Government of President Amadou Toumani Toure, categorically denies any form of legitimacy to the *Comité National de Redressement pour la Démocratie et la Restauration de l'Etat* Junta, and demands the immediate restoration of constitutional order in Mali.

9. Summit reminds the CNRDRE of its responsibility for the safety and security of President Amadou Toumani Touré.

10. Summit deplores the debilitating impact of the coup d'état on the painstaking gains made by the ECOWAS Region in the past two decades to enhance stability and entrench democratic culture and the rule of law.

11. Authority suspends Mali from all decision-making bodies of ECOWAS with immediate effect, in accordance with Articles 1(e) and 45(2) of the Supplementary Protocol on Democracy and Good Governance, and the provisions of the African Charter on Democracy, Elections and Governance.

12. Summit demands that the CNRDRE release all political detainees and that it facilitate the departure from the country of all visitors trapped by the coup d'état.

13. Summit demands the CNRDRE to take immediate steps to restore constitutional order in Mali, in line with ECOWAS Protocols and bearing in mind the decisions adopted by the AU Peace and Security Council on the situation in Mali.

14. Summit decides to dispatch a high-level delegation to Mali within the next forty-eight hours to secure the speedy restoration of constitutional order. The delegation, to be led by H.E. Alassane Dramane Ouattara, Chairman of Authority, shall also comprise H.E. Thomas Boni Yayi, Chairman of the African Union, H.E. Blaise Compaore, President of Faso, H.E. Ellen Johnson-Sirleaf, President of Liberia, H.E. Issoufou Mahamadou, President of Niger, and H.E. Goodluck Ebele Jonathan, President of Nigeria.

15. In addition, Summit decides to dispatch a five-member delegation comprising the Chiefs of Defence Staff of Benin, Burkina Faso, Cote d'Ivoire, Niger, Nigeria, Senegal and Togo to Mali, with the mandate to:

- i) sensitize the Junta on the need for the immediate return to constitutional order;
- ii) inform the Junta about the recent measures which were envisaged by ECOWAS to assist Mali in preserving its territorial integrity;
- iii) evaluate the military situation on the ground and the command chain;
- iv) intimate the Junta about the sanctions to which they are liable in the event of non-compliance with Authority decisions;
- v) inform the CNRDRE that ECOWAS shall take all necessary measures to re-establish constitutional order in Mali.

16. Summit instructs the ECOWAS Commission to put the ECOWAS Standby Force on high alert for all eventualities.

17. In the event of non-compliance by the CNRDRE with these Decisions, Summit invites all Member States to impose a travel ban, as well as a

diplomatic and financial embargo, on the members of the CNRDRE and their close collaborators with immediate effect. In this regard, Summit welcomes the decision by the European Union and other partners to suspend development assistance to Mali, and calls on other partners who have not yet done so, to take similar measures.

On the Rebellion in the North of Mali

18. Summit reiterates its firm condemnation of the atrocities being perpetrated by the rebels, as well as the activities of terrorist cells and networks of transnational organized crime, which have transformed the northern parts of Mali into a zone of acute insecurity and banditry.

19. Summit condemns the opportunistic decision by the armed groups to take undue advantage of the constitutional crisis in Mali to intensify attacks and capture more territory in the north, and reaffirms ECOWAS' determination to take all necessary measures in support of efforts aimed at safeguarding the territorial integrity of Mali.

20. Authority once more demands an immediate cease-fire throughout Mali, and calls on all armed groups operating in the country to seek redress of grievances through dialogue within the framework of the territorial integrity of Mali.

21. Authority decides to appoint H.E. Blaise Compaore, President of Faso, as Mediator in the Malian crisis with the mandate to interact with all concerned stakeholders with a view to engaging them in a fruitful dialogue for the restoration of peace in the country, taking into account all the on-going efforts in this direction.

22. In the event the armed groups fail to comply with these Decisions, Summit shall take all necessary measures to end the rebellion and ensure the territorial integrity of Mali, including the use of force.

23. Summit remains seized with the situation in Mali, and instructs the President of the ECOWAS Commission to transmit its decisions to the Chairman of the AU Commission and to the AU Peace and Security Council for information and appropriate action.

On the presidential election in Senegal

24. Summit congratulates candidate Macky Sall for his remarkable victory in the 25 March 2012 Presidential run-off election in Senegal, and His Excellency Abdoulaye Wade, the outgoing President, for gracefully accepting defeat, and for his contribution to the consolidation of democracy in Senegal and West Africa. Summit commends the people of Senegal for once more setting an example for the African continent by demonstrating maturity and democratic culture.

25. **Under Any Other Business,** Summit decides as follows:

- i) To dispatch a joint ECOWAS-AU-UN fact-finding mission to Guinea Bissau in connection with the forthcoming presidential run-off election as well as the security situation in the country
- ii) To support the candidature of Dr. Ngozi Okonjo-Iweala, Minister of Finance of Nigeria, for the post of President of the World Bank, and invite the African Union to support this sole African candidate.

26. Summit was briefed by the AU Chairman, H.E. Thomas Boni YAYI on efforts being made by the Group of eight-member States of AU to break the deadlock in the appointment of the next Chairman of the AU Commission, assuring that much progress has been achieved.

Done at Abidjan this 27th Day of March 2012

COMUNIDADE DOS ESTADOS DA
AFRICA DO OESTE

ECONOMIC COMMUNITY OF
WEST AFRICAN STATES



COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE DE
L'OUEST

EMERGENCY MINI-SUMMIT OF ECOWAS HEADS OF STATE AND GOVERNMENT ON THE SITUATION IN MALI

ABIDJAN, COTE D'IVOIRE, 29 MARCH 2012

COMMUNIQUE

1. Among the decisions taken at the Extraordinary Summit of ECOWAS of 27 March 2012 on the political situation in Mali, Summit resolved to dispatch a high-level delegation to Mali on 29 March 2012 to acquaint the Junta with the content of Summit decisions and to discuss, in particular, the modalities for the speedy restoration of constitutional order in Mali.
2. The six-member high-level delegation is composed of the following Heads of State:
 - **His Excellency Alassane OUATTARA**
President of the Republic of Côte d'Ivoire and Current Chairman of ECOWAS.
 - **His Excellency Thomas Boni YAYI**
Current Chairman of the African Union and President of the Republic of Benin.
 - **His Excellency Blaise COMPAORE**
President of Burkina Faso and ECOWAS Mediator in the Malian crisis.

- **Her Excellency Ellen JOHNSON-SIRLEAF**
President of the Republic of Liberia.
- **His Excellency Issoufou MAHAMADOU**
President of the Republic of Niger
- **His Excellency Goodluck Ebele JONATHAN,**
President of the Federal Republic of Nigeria,
Represented by His Excellency Nurudeen MOHAMMAD,
Minister of State at the Ministry of Foreign Affairs.

3. In fulfilment of its mission, the Delegation set out for Bamako today, 29 March 2012, but could not land at the Bamako airport for security reasons as a result of chaos provoked by demonstrators at the airport.

4. The Heads of State, therefore, returned to Abidjan to hold an emergency meeting.

5. The Heads of State took note of the reports of the President of the ECOWAS Commission, the Foreign Ministers, and the Chiefs of Defence Staff, who had just returned from Bamako after their meetings with the *Comité National de Redressement pour la Démocratie et la Restauration de l'Etat* (CNRDRE).

6. At the end of their meeting, the Heads of State recalled the main decisions taken at the Extraordinary Summit of the ECOWAS Heads of State and Government in Abidjan on 27 March 2011, namely to:

- I) deny any form of legitimacy to the *Comité National de Redressement pour la Démocratie et la Restauration de l'Etat*, and to demand the immediate restoration of constitutional order in Mali.
- II) remind the CNRDRE of its responsibility for the safety and security of President Amadou Toumani Touré.

- III) demand that the CNRDRE release all political detainees.
- IV) suspend Mali from all decision-making bodies of ECOWAS with immediate effect, in accordance with Articles 1(e) and 45(2) of the Supplementary Protocol on Democracy and Good Governance, and the provisions of the African Charter on Democracy, Elections and Governance, until such time that constitutional order is effectively restored.
- V) demand the CNRDRE to take immediate steps to restore constitutional order in Mali, in line with ECOWAS Protocols, and bearing in mind the decisions adopted by the AU Peace and Security Council on the suspension of Mali.
- VI) instruct the ECOWAS Commission to put the ECOWAS Standby Force on high alert for all eventualities.
- VII) in the event of non-compliance by the CNRDRE with these Decisions, invite all Member States to impose a travel ban, as well as a diplomatic and financial embargo, on the members of the CNRDRE and their close collaborators with immediate effect.

7. In application of these decisions, and after consultation and accord of all ECOWAS Heads of State and Government, Authority hereby adopts the following sanctions against Mali:

A. Political and Diplomatic Sanctions:

- i) Suspend the membership of Mali from ECOWAS;
- ii) Recall all ECOWAS Ambassadors accredited to the Republic of Mali for consultation;
- iii) Impose a travel ban on members of the CNRDRE and their associates within the ECOWAS space;

- iv) Close all borders of ECOWAS Member States with Mali, except for humanitarian purposes.

B. Economic Sanctions:

- i) Freeze the assets of the leaders of CNRDRE and their associates in ECOWAS Member States;
- ii) Deny Mali access to seaports of ECOWAS Member States.

C. Financial Sanctions:

- i) Freeze the accounts of Mali held at the Central Bank of West African States (BCEAO);
- ii) Deny the procurement of funds from BCEAO to accounts held by the Malian State in private banks.
- iii) Freeze all financial assistance to Mali through the West African Bank for Development (BOAD) and the ECOWAS Bank for Investment and Development (EBID).

D. Additional Sanction:

- i) Suspend Mali from participating in all sporting and cultural events in the ECOWAS space.

9. In the event of non-compliance by the CNRDRE with the decisions of Authority, the sanctions outlined above shall take effect within 72 hours of their adoption and, in any case, not later than Monday, 02 April 2012.

10. Furthermore, Authority invites the African Union to reinforce its own sanctions against the CNRDRE and its associates, and to bring the ECOWAS sanctions to the attention of the Secretary-General of the United Nations.

11. **On the Rebellion in the North of Mali**, Authority reiterates its appeal to all the stakeholders concerned to observe a cease-fire with immediate effect, as well as the ECOWAS offer of mediation.

12. Authority renews its firm undertaking to support Mali to defend its territorial integrity as soon as constitutional order is restored. In this regard, Authority shall mobilize the assistance of all partners.

13. H.E. Blaise Compaore, the President of Burkina Faso and the Mediator appointed at the Extraordinary Summit of 27 March 2012, shall be entrusted with the follow-up on the implementation of these measures, and shall liaise with ECOWAS Member States and the regional institutions referred to above for this purpose.

14. Authority remains seized with the situation in Mali, and instructs the President of the ECOWAS Commission to transmit these decisions to the President of the AU Commission for the attention of the AU Peace and Security Council for information and appropriate action.

Done at Abidjan this 29th Day of March 2012

COMUNIDADE DOS ESTADOS DA
AFRICA DO OESTE

ECONOMIC COMMUNITY OF
WEST AFRICAN STATES



COMMUNAUTE ECONOMIQUE
DES ETATS DE L'AFRIQUE DE
L'OUEST

EXTRAORDINARY SUMMIT OF ECOWAS
HEADS OF STATE AND GOVERNMENT

Abidjan, Côte d'Ivoire, 26 avril 2012

FINAL COMMUNIQUE

1. At the invitation of H.E. Alassane Ouattara, President of the Republic of Cote d'Ivoire and Chairman of ECOWAS, the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) held an Extraordinary Session in Abidjan, Republic Cote d'Ivoire, on 26 April 2012.
2. The Summit was convened to examine the political, security, and humanitarian situations in Mali and Guinea Bissau.
3. The following Heads of State and Government or their accredited representatives attended the Summit:
 - **His Excellency Thomas Boni YAYI**
President of the Republic of Benin
 - **His Excellency Blaise COMPAORE**
President of Burkina Faso
 - **His Excellency Jorge Carlos FONSECA**
President of the Republic of Cape Verde

- **His Excellency Alassane OUATTARA**
President of the Republic of Côte d'Ivoire
- **His Excellency Sheikh Prof. Alh. Yahya A.J.J. JAMMEH**
President of the Republic of The Gambia
- **His Excellency Alpha CONDE**
President of the Republic of Guinea
- **His Excellency Dioncounda TRAORE**
Interim President of the Republic of Mali
- **His Excellency Goodluck Ebele JONATHAN**
President of the Federal Republic of Nigeria
- **His Excellency Macky SALL**
President of the Republic of Senegal
- **His Excellency Faure Essozimna GNASSINGBE**
President of the Togolese Republic
- **His Excellency Brigi RAFINI**
Prime Minister of the Republic of Niger
- **His Excellency Alhaji Mohamed MUMUNI**
Minister of Foreign Affairs of the Republic of Ghana
- **His Excellency Augustine Kpehe NGAFUAN**
Minister of Foreign Affairs of the Republic of Liberia
- **His Excellency Joseph B. DAUDA**
Minister of Foreign Affairs of the Republic of Sierra Leone

4. The representatives of the following States and Organizations also participated in the Summit as observers:

- H.E. Mohamed Abdel Ould Aziz, President of the Islamic Republic of Mauritania
- Algeria
- France
- United States of America (USA)
- The African Union (AU)
- The West African Economic and Monetary Union (WAEMU)
- The United Nations Organization (UNO)
- The European Union (EU)

5. The Heads of State and Government took note of the reports by the President of the ECOWAS Commission on the latest political and security situations in Mali and Guinea Bissau, and the Chairman of the Committee of Chiefs of Defense Staff on the latest state of preparedness of the ECOWAS Standby Force. They also took note of the briefings by H.E. Blaise Compaoré, President of Faso and ECOWAS Mediator in Mali, and H.E. Alpha Condé, President of Guinea and ECOWAS Mediator in Guinea Bissau.

6. Summit recalled the Statement of 6 April 2012 by the Chairman of Authority on the signing of the Framework Agreement by the stakeholders in the constitutional crisis in Mali, as well as the Statements of 12 and 19 April 2012 by the President of the ECOWAS Commission, following the coup d'état in Guinea Bissau and the establishment of the purported National Transitional Council by the Military Command, respectively.

7. After exhaustive deliberations on the situations in Mali and Guinea Bissau, Summit took the following decisions:

On the Restoration of Constitutional Order in Mali:

8. Authority takes note of the “Solemn Commitment” taken by the *Comité National de Redressement pour la Démocratie et la Restauration de l'Etat* (CNRDRE) on 01 April 2012 to speedily restore constitutional legality in Mali.

9. Summit welcomes the signing of the “Framework Agreement on the Implementation of the Solemn Commitment” on 6 April 2012 by the stakeholders in the constitutional crisis under the auspices of the ECOWAS Mediator, H.E. Blaise Compaoré, President of Faso, and warmly congratulates him on the significant breakthrough.

10. Summit takes note the establishment of the transitional organs under the Framework Agreement, in particular the nomination of the Interim President, of the Prime Minister and the cabinet, and commends the Malian population and their leaders for demonstrating an admirable capacity for self-sacrifice in the interest of the unity and integrity of the Nation.

11. Authority decides to limit the transition in Mali to a period of twelve months within which, a Presidential election shall be organized to choose a new president. Authority also decides to extend the mandate of the transitional organs notably the Interim President, the Prime Minister and the Cabinet, by the same twelve-month period to ensure, within the limits of powers conferred on each under the Constitution, the continuity of governance in the country.

12. Summit urges all the stakeholders concerned to commit to the faithful implementation of the roadmap until the holding of the Presidential election and the restoration of the unity and territorial integrity of Mali. Authority demands that the transitional authority guarantees the right of return to Mali of the ex-President, Mr. Amadou Toumani Touré, and all other personalities forced to leave the country, as well as their safety and security while in the country.

13. Summit exhorts the transitional authority to take all necessary measures to deploy central administrative organs and services throughout the country, particularly in the north, within the transitional period.

14. Summit welcomes the release of the Malian personalities detained by the military on 17 April 2012, and demands that the CNRDRE strictly fulfill its commitment under the Agreement by respecting the constitutional order

and submitting to civilian authority under the Transition. In this regard, Authority demands the return of members of CNRDRE to the barracks to concentrate on their core duties of defending the territory of Mali.

15. Authority cautions members of the CNRDRE that any further arbitrary and unilateral action on their part in the course of the transition shall be met with the imposition of targeted individual sanctions on the perpetrators.

16. Summit expresses gratitude to the six Heads of State designated by ECOWAS to monitor the crisis in Mali, the core countries (Algeria and Mauritania), the African Union, the United Nations and Development Partners, for their cooperation in the process to restore constitutional order in Mali.

On the Rebellion in the North of Mali

17. Summit notes with concern that, despite the so-called declaration of unilateral cease-fire by the MNLA on 5 April 2012, the rebels, terrorist cells, and other transnational organized criminal networks, continue to perpetrate atrocities in the north of Mali, transforming the occupied territory into a zone of banditry and acute insecurity with dire humanitarian consequences.

18. Authority denounces the continued occupation of the regions of Kidal, Gao and Timbuktu by the rebels, reaffirms its commitment to the unity and territorial integrity of Mali, and reiterates its determination to assist the Government of Mali in reestablishing its sovereignty over the entire territory, in accordance with the relevant ECOWAS Protocols.

19. Authority reaffirms the offer of its mediation for a negotiated settlement of the crisis in the north of Mali. In this regard, Authority renews its confidence in the Mediator, H.E. Blaise Compaoré, and encourages him to persevere in his mediation efforts in collaboration with the core countries (Algeria and Mauritania) until the restoration of the unity and territorial integrity of Mali is achieved.

20. Authority welcomes and endorses the wish expressed by H. E. Goodluck Ebele Jonathan, the President of the Federal Republic of Nigeria, to join the Mediator, H. E. Blaise Compaore, in the efforts to find a peaceful solution to the crisis in Mali.

21. Authority decides to take all other necessary measures to assist Mali in regaining its unity and territorial integrity. In this regard, Authority instructs the Commission to commence, with immediate effect, the deployment of the ECOWAS Standby Force in Mali, in line with the approved Mandate.

22. Summit reaffirms its commitment to assist Mali and the neighboring Member States in responding to the humanitarian consequences of the rebellion. In that regard, Summit instructs the Commission to take all necessary measures to mobilize resources to provide relief to the affected populations and to protect humanitarian corridors, as well as relief supplies and humanitarian actors, in consultation and cooperation with the core countries and the partners. Summit instructs the Commission to set aside an amount, to be determined, as initial working capital, in accordance with the report of Committee of Chiefs of Defense Staff.

23. Summit expresses its gratitude to the Development Partners that have pledged financial, technical, and logistical support to the ECOWAS humanitarian and mediation efforts in Mali, and calls on humanitarian agencies and the international community to intensify their assistance in this regard.

24. Authority calls on all States, especially the non-ECOWAS core countries, and partners wishing to support ECOWAS in the efforts to restore constitutional order and territorial integrity of Mali. In this regard, Authority instructs the Commission to put in place a mechanism for consultation and coordination with partners for the mobilization of support towards to this end.

On the Political and Security Situation in Guinea Bissau

25. Authority reaffirms the fundamental principle of “Zero Tolerance” for power obtained or maintained by unconstitutional means, as well as the role of the military in a Democracy, as enshrined in the Supplementary Protocol on Democracy and Good Governance.

26. Summit firmly condemns the coup d’état of 12 April 2012 in Guinea Bissau by the Military Command and its civilian associates, and denounces the disruption of the Presidential electoral process, as well as the detention of the Prime Minister and the Interim President by the Junta.

27. Authority reiterates the ECOWAS denunciation of the 17 April 2012 Agreement establishing the so-called National Transitional Council, and reaffirms that ECOWAS will never recognize any unconstitutional transitional arrangement.

28. Authority demands the immediate and unconditional release of the Prime Minister, Mr. Carlos Gomes Junior, the Interim President, Raimundo Pereira, and any other persons illegally detained by the Junta. Authority also demands the immediate restoration of constitutional order to allow for the completion of the electoral process.

29. Authority urges all the stakeholders to submit to the mediation efforts of ECOWAS with a view to agreeing the modalities for a consensual transition through the holding of elections within twelve months, taking note of the written commitment of 16 April 2012 by the Military Command to accept the restoration of constitutional order, based on modalities to be worked out with the help of ECOWAS.

30. Authority instructs the Commission to deploy a contingent of the ECOWAS Standby Force in Guinea Bissau with immediate effect to, among other duties, facilitate the withdrawal of the Angolan Technical and Military Assistance Mission in Guinea Bissau (MISSANG), assist in securing the transitional process, and undertake preparatory work for the immediate

implementation of the roadmap for the Defense and Security Sector Reform Program (DSSRP). To this end, Authority has approved the Mandate of the ESF in Guinea Bissau.

31. Authority puts the Military Command on notice that if it fails to accede to all the demands put forward by Authority within the next 72 hours, ECOWAS shall impose, with immediate effect, targeted sanctions on members of the Military Command and their associates, as well as well as diplomatic, economic and financial sanctions on Guinea Bissau, and not excluding prosecution by the International Criminal Court (ICC). Authority also decides, in addition to the sanctions, to take all other necessary measures in the achievement of these objectives.

32. Authority decides to put in place a Regional Contact and Follow-up Group on Guinea Bissau to be chaired by Nigeria and also comprising Benin, Cape Verde, The Gambia, Guinea, Senegal and Togo, to coordinate the follow-up on the implementation of the Decisions of Summit on Guinea Bissau.

33. Authority reaffirms its commitment to the close cooperation between ECOWAS, the African Union, the United Nations and other partners in our collective efforts to maintain peace and security in West Africa. Authority calls for an intensification of this cooperation, based on the cardinal principle of subsidiarity.

34. Summit urges the Commission to expedite action on the implementation of the ECOWAS operational plan on drug trafficking, particularly in Guinea Bissau, through the mobilization of financial resources within and outside ECOWAS.

35. Authority commends H.E. Alassane Ouattara, Chairman of Authority, for his leadership of the Community and his indefatigable efforts to ensure the consolidation of the rule of law, peace and security in West Africa.

36. Summit warmly welcomes H.E. Macky Sall, the newly-elected President of Senegal, to its fold, and reassures him of its commitment to work closely with him in the promotion of regional integration, peace and security.

37. Authority congratulates His Excellency Dioncounda Traore, Interim President of the Republic of Mali, on his appointment and reassures him of its support in the fulfillment of his mission.

38. Summit remains seized with the situations in Mali and Guinea Bissau, and will take all other necessary additional measures to address them.

Done at Abidjan, this 26th Day of April 2012

The Authority