

CHAPTER FOUR

ORGANS OF THE COMMON MARKET

ARTICLE 7

Organs of the Common Market

1. There shall be established as organs of the Common Market:
 - (a) the Authority;
 - (b) the Council;
 - (c) the Court of Justice;
 - (d) the Committee of Governors of Central Banks;
 - (e) the Intergovernmental Committee;
 - (f) the Technical Committees;
 - (g) the Secretariat; and
 - (h) the Consultative Committee.
2. The Secretary-General, in consultation with the Bureau

of the Council may convene Sectoral Ministerial meetings to consider and take decisions on technical sectoral issues not having budgetary implications.

3. The decisions of the sectoral ministerial meetings taken in pursuance of the provisions of paragraph 2 of this Article shall take effect and shall be endorsed at the next meeting of the Council following the sectoral ministerial meeting.
4. The organs of the Common Market shall perform their functions and act within the limits of the powers conferred upon them by or under this Treaty.

ARTICLE 8

The Authority

Composition and Functions

1. The Authority shall consist of the Heads of State or Government of the Member States.
2. The Authority shall be the supreme Policy Organ of the Common Market and shall be responsible for the general policy and direction and control of the performance of the executive functions of the Common Market and the achievement of its aims and objectives and shall have such other powers as are vested in it under this Treaty.

3. Subject to the provisions of this Treaty, the directions and decisions of the Authority taken or given in pursuance of the provisions of this Treaty, shall as the case may be, be binding on the Member States and on all other organs of the Common Market other than the Court in the exercise of its jurisdiction, and on those to whom they may be addressed to under this Treaty.
4. The directions and decisions of the Authority shall be notified to those to whom they are addressed and shall take effect upon the receipt of such notification or on such date as may be specified in the direction or decision.
5. The Authority shall meet once every year and may hold extraordinary meetings at the request of any member of the Authority, provided that such a request is supported by one-third of the members of the Authority.
6. Subject to the provisions of this Treaty, the Authority shall determine its own Rules of Procedure.
7. The decisions of the Authority shall be taken by consensus.

ARTICLE 9

The Council of Ministers

Composition and Functions

1. The Council of Ministers of the Common Market shall consist of such Ministers as may be designated by each Member State.
2. It shall be the responsibility of the Council to:
 - (a) monitor and keep under constant review and ensure the proper functioning and development of the Common Market in accordance with the provisions of this Treaty;
 - (b) make recommendations to the Authority on matters of policy aimed at the efficient and harmonious functioning and development of the Common Market;
 - (c) give directions to all other subordinate organs of the Common Market other than the Court in the exercise of its jurisdiction;
 - (d) make regulations, issue directives, take decisions, make recommendations and give opinions in accordance with the provisions of this Treaty;
 - (e) request advisory opinions from the Court in accordance with the provisions of this Treaty;

- (f) consider and approve the budgets of the Secretariat and the Court;
 - (g) consider what measures should be taken by Member States in order to promote the attainment of the aims of the Common Market;
 - (h) make Staff Rules and Regulations and Financial Regulations of the Secretariat;
 - (i) make recommendations to the Authority on the designation of Least Developed Countries;
 - (j) designate economically depressed areas of the Common Market; and
 - (k) exercise such other powers and perform such other functions as are vested in or conferred on it by this Treaty.
3. Subject to the provisions of this Treaty, the regulations, directives and decisions of the Council taken or given in pursuance of the provisions of this Treaty shall be binding on the Member States, on all subordinate organs of the Common Market other than the Court in the exercise of its jurisdiction and on those to whom they may under this Treaty, be addressed.

4. The Council shall meet once a year immediately preceding a meeting of the Authority. Extraordinary meetings of the Council may be held at the request of a Member State provided that such a request is supported by at least one-third of the Member States.
5. Subject to any directions that the Authority may give and to the provisions of this Treaty, the Council shall determine its own Rules of Procedure.
6. The decisions of the Council shall be taken by consensus, failing which by two-thirds majority of the members of the Council.
7. Where an objection is recorded on behalf of a Member State to a proposal submitted for the decision of the Council, the proposal shall, unless such objection is withdrawn, be referred to the Authority for its decision.

ARTICLE 10

Regulations, Directives, Decisions, Recommendations and Opinions of Council

1. The Council may, in accordance with the provisions of this Treaty, make regulations, issue directives, take decisions, make recommendations or deliver opinions.

2. A regulation shall be binding on all the Member States in its entirety.
3. A directive shall be binding upon each Member State to which it is addressed as to the result to be achieved but not as to the means of achieving it.
4. A decision shall be binding upon those to whom it is addressed.
5. A recommendation and an opinion shall have no binding force.

ARTICLE 11

Reasons for Regulations, Decisions and Directives

Regulations, directives and decisions of the Council shall state the reasons on which they are based and shall refer to any proposals or opinions which were required to be obtained pursuant to this Treaty.

ARTICLE 12

Entry into Force of Regulations, Directives and Decisions of the Council

1. Regulations shall be published in the Official

Gazette of the Common Market and shall enter into force on the date of their publication or such later date as may be specified in the Regulations.

2. Directives and decisions shall be notified to those to whom they are addressed and shall take effect upon the receipt of such notification or on such date as may be specified in the directives or decisions.

ARTICLE 13

The Committee of Governors of Central Banks Composition and Functions

1. The Committee of Governors of Central Banks shall consist of the governors of the monetary authorities designated for that purpose by the Member States.
2. The Committee of Governors of Central Banks shall:
 - (a) be responsible for the development of programmes and action plans in the field of finance and monetary co-operation;
 - (b) monitor and keep under constant review and ensure the proper implementation of the programmes and plans adopted pursuant to the provisions of Chapter Ten of this Treaty on Monetary and Financial Co-

operation;

- (c) for the purposes of sub-paragraphs (a) and (b) of this paragraph, request the Secretary-General to undertake specific investigations;
- (d) consider reports and recommendations from the Technical Committee on Finance and Monetary Affairs;
- (e) submit from time to time, reports and recommendations to the Council concerning the implementation of the Finance and Monetary Co-operation programme; and
- (f) have such other functions as are conferred upon it by or under this Treaty.

3. Subject to any directions which may be given by the Council, the Committee of Governors of Central Banks shall meet once a year and shall, subject to this Treaty, determine its own Rules of Procedure.

ARTICLE 14

Intergovernmental Committee Composition and Functions

1. The Intergovernmental Committee shall consist of such Permanent or Principal Secretaries as may be designated by each Member State.
2. The Intergovernmental Committee shall:
 - (a) be responsible for the development of programmes and action plans in all the sectors of co-operation except in the finance and monetary sector;
 - (b) monitor and keep under constant review and ensure proper functioning and development of the Common Market in accordance with the provisions of this Treaty;
 - (c) oversee the implementation of the provisions of this Treaty and for that purpose may request a Technical Committee to investigate any particular matter;
 - (d) for the purposes of sub-paragraph (a) of this paragraph, request the Secretary-General to undertake specific investigations;
 - (e) submit from time to time either on its own initiative or upon the request of the Council reports and recommendations to the Council; and

- (f) have such other functions as are conferred upon it by or under this Treaty.
- 3. Subject to any directions which may be given by the Council, the Intergovernmental Committee shall meet once a year and shall, subject to this Treaty, determine its own Rules of Procedure.

ARTICLE 15

Technical Committees

Composition and Functions

- 1. The Technical Committees of the Common Market shall be the following:
 - (a) the Committee on Administrative and Budgetary Matters;
 - (b) the Committee on Agriculture ;
 - (c) the Committee on Comprehensive Information Systems;
 - (d) the Committee on Energy;
 - (e) the Committee on Finance and Monetary Affairs;

- (f) the Committee on Industry;
 - (g) the Committee on Labour, Human Resources and Social and Cultural Affairs;
 - (h) the Committee on Legal Affairs;
 - (i) the Committee on Natural Resources and Environment;
 - (j) the Committee on Tourism and Wildlife;
 - (k) the Committee on Trade and Customs; and
 - (l) the Committee on Transport and Communications.
2. The Technical Committees shall be composed of representatives of the Member States designated for that purpose.
 3. The Council may establish such additional Technical Committees as may be necessary for the attainment of the objectives of this Treaty.
 4. The Technical Committees shall meet as often as necessary for the proper discharge of their functions and shall determine their own Rules of Procedure.

ARTICLE 16

Functions of the Technical Committees

Each Technical Committee shall:

- (a) be responsible for the preparation of a comprehensive implementation programme and a time-table prioritising the programmes with respect to its sector;
- (b) monitor and keep under constant review the implementation of co-operation programmes with respect to its sector;
- (c) for the purposes of paragraphs (a) and (b) of this Article request the Secretary-General to undertake specific investigations;
- (d) except for the Committee on Finance and Monetary Affairs which shall submit its reports and recommendations to the Committee of Governors of Central Banks, submit from time to time reports and recommendations to the Intergovernmental Committee, either on its own initiative or upon the request of the Council, concerning the implementation of the provisions of this Treaty; and

- (e) have such other functions as are assigned to it by or under this Treaty.

ARTICLE 17

The Secretariat and the Secretary-General

1. The Secretariat shall be headed by a Secretary-General of the Common Market who shall be appointed by the Authority to serve in such office for a term of five years and shall be eligible for reappointment for a further term of five years.
2. The Secretary-General shall be the chief executive officer of the Common Market and shall represent the Common Market in the exercise of its legal personality.
3. There shall be, in addition to the Secretary-General, two Assistant Secretaries-General who shall be appointed by the Authority, and such other staff of the Secretariat as the Council may determine.
4. The terms and conditions of service of the Secretary-General and the Assistant Secretaries-General shall be determined by the Authority. The terms and conditions of service of the other staff of the Secretariat shall be determined by the Council.

5. In appointing staff to offices in the Secretariat, regard shall be had, subject to the paramount importance of securing the highest standards of integrity, efficiency and technical competence, to the desirability of maintaining the principle of equal opportunities and an equitable distribution of appointments to such offices among citizens of all the Member States.
6. In the performance of their duties, the Secretary-General and Assistant Secretaries-General and the staff of the Secretariat shall not seek or receive instructions from any Member State or from any other authority external to the Common Market. They shall refrain from any actions which may adversely reflect on their position as international officials and shall be responsible only to the Common Market.
7. Each Member State undertakes to respect the international character of the responsibilities of the Secretary-General, Assistant Secretaries-General and the other staff of the Secretariat and shall not seek to unduly influence them in the discharge of their responsibilities.
8. The Secretary-General shall:

- (a) service and assist the organs of the Common Market in the performance of their functions;
- (b) submit reports in consultation with the Intergovernmental Committee on the activities of the Common Market to the Council and the Authority;
- (c) subject to the provisions of this Treaty, be responsible for the administration and finances of the Common Market;
- (d) submit the budget of the Common Market to the Intergovernmental Committee;
- (e) act as the secretary to the Authority and the Council;
- (f) ensure that the objectives set out in this Treaty are attained and shall, either on his own initiative or on the basis of a complaint, investigate a presumed breach of the provisions of this Treaty and report to the Council in accordance with an investigative procedure to be determined by the Council;
- (g) keep the functioning of the Common Market under continuous examination and may act in relation to any particular matter which appears to merit examination either on his own initiative or upon the

request of a Member State where appropriate and report the results of his examination to the Member State or the organ of the Common Market concerned;

- (h) subject to the provisions of this Treaty submit references to the Court concerning the alleged breach of any obligation under this Treaty in relation to the Common Market or as to any action or omission affecting the Common Market;
- (i) promote the adoption of joint positions by the Member States in multilateral negotiations with third countries or international organisations;
- (j) on his own initiative or as may be assigned to him by the Authority or the Council, undertake such work and studies and perform such services as relate to the aims of the Common Market and to the implementation of the provisions of this Treaty; and
- (k) for the performance of the functions conferred upon him by this Article, collect information and verify matters of fact relating to the functioning of the Common Market and for that purpose may request a Member State to provide information relating thereto.

9. The Member States agree to co-operate with and assist the Secretary-General in the performance of his functions set out in paragraph 8 of this Article and agree in particular to provide any information which may be requested under sub-paragraph (k) of paragraph 8 of this Article.
10. There may be established, such sub-regional offices or branch offices of the Secretariat in the Member States as the Council may determine.

ARTICLE 18

Consultative Committee of the Business Community and Other Interest Groups - Composition and Functions

1. The Consultative Committee shall consist of such representatives, of the business community and other interest groups from the Member States as the Consultative Committee shall determine. The representatives may be accompanied by such experts and advisors as the Consultative Committee may deem necessary for its effective functioning.
2. For the purposes of paragraph 1 of this Article, the composition of the Consultative Committee shall be determined at a first meeting which shall be convened by the Secretary-General for that purpose.

3. The Consultative Committee shall provide a link and facilitate dialogue between the business community and other interest groups and other organs of the Common Market. The Consultative Committee shall:
 - (a) be responsible for ensuring that the interests of the business community and other interest groups in the Common Market are taken into consideration by the organs of the Common Market;
 - (b) be responsible for monitoring the implementation of the provisions of Chapters Twenty Three and Twenty Four of this Treaty and make recommendations to the Intergovernmental Committee;
 - (c) consult and receive reports from other interest groups; and
 - (d) take part in the meetings of the Technical Committees and may make recommendations to the Intergovernmental Committee.
4. The Consultative Committee shall meet as often as necessary for the proper discharge of its functions and shall determine its own Rules of Procedure.