



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 2 February 2009
(OR. en)**

**14062/08
ADD 12**

**ACP 174
WTO 187
COAFR 314
RELEX 737**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Final Act to the Interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the SADC EPA States, of the other part

FINAL ACT

The representatives of

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

and

THE EUROPEAN COMMUNITY (EC),

hereinafter jointly referred to as the "EC Party",

of the one part, and

THE REPUBLIC OF BOTSWANA,

THE KINGDOM OF LESOTHO,

THE REPUBLIC OF MOZAMBIQUE,

THE REPUBLIC OF NAMIBIA,

THE KINGDOM OF SWAZILAND,

hereinafter referred to as the "SADC EPA States",

of the other part,

meeting at [town, country] on the [day] of [month] 2009 for the signature of the Interim Agreement with a view to an Economic Partnership Agreement between, the European Community and its Member States, of the one part, and the SADC EPA States, of the other part, have at the time of signature of the Agreement:

– adopted the following Annexes, Protocols and the Joint Declarations:

- ANNEX 1: Customs duties applicable on imports into the EU of products originating in Botswana, Lesotho, Namibia, Swaziland (BLNS) And Mozambique
- ANNEX 2: Customs duties on products originating in SADC EPA States
- ANNEX 3: Customs duties applicable on imports into Botswana, Lesotho, Namibia and Swaziland of Products originating in the EC
- ANNEX 4: Customs duties applicable on imports into Mozambique of products originating in the EC
- PROTOCOL 1: Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Cooperation
- PROTOCOL 2: Mutual Administrative Assistance in Customs Matters

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Final Act.

Done at [town, country] on the [...] day of [month] in the year two thousand and nine.

JOINT EC – SADC EPA DECLARATION
ON FINANCIAL PROCEDURES

The Parties are committed to cooperating with a view to improving and possibly simplifying as necessary the relevant financial procedures, assist the SADC EPA States to effectively benefit from the existing financial instruments to ensure that development aid for the implementation of this Agreement is timely provided to the SADC EPA States.

EC DECLARATION
ON DISPUTE AVOIDANCE AND SETTLEMENT

At all stages of the determination of the causes of a dispute and of dispute settlement procedures particular consideration shall be given by the EC to the special situation of SADC EPA States, in particular the special situation of LDCs. In this regard, the EC Party shall exercise due restraint in raising matters under the dispute settlement procedures involving a measure exclusively concerning a LDC.

JOINT EC-SADC EPA DECLARATION
ON ANGOLA AND TANZANIA

1. The Parties note the interest of Angola to become an EPA SADC State for the present Agreement and to participate in the ongoing negotiations on a full EPA. The Parties agree to facilitate this process once a WTO compatible market access for goods schedule has been submitted by Angola.

2. The Parties note the ongoing EU-EAC EPA negotiations, which include Tanzania, and agree to review the situation of Tanzania's possible participation in this Agreement in the light of the outcome of the above-mentioned EU-EAC EPA negotiations.

DECLARATION FROM NAMIBIA
ON THE ORIGIN OF FISHERIES PRODUCTS

Namibia reaffirms the point of view it expressed throughout the negotiations on the rules of origin in respect of fishery products and consequently maintain that following the exercise of its sovereign rights over fishery resources in the waters within its national jurisdiction, including the exclusive economic zone, as defined in the United Nations Convention on the Law of the Sea, all catches effected in its waters and obligatorily landed in ports of Namibia for processing should enjoy originating status.

1. In so far as the European Free Trade Area (EFTA) States acknowledge Namibia's EEZ for the purposes of Rules of Origin, as embodied in Annex IV to the Free Trade Agreement between SACU and EFTA relating to Fish and Marine Products,

Namibia maintains that all catches effected in its waters as defined above and obligatorily landed in all ports of Namibia for processing, should enjoy originating status.

STATEMENT BY NAMIBIA
UPON INITIALLING THE INTERIM EPA

The Republic of Namibia has initialled the Interim Economic Partnership Agreement on the understanding that concerns which Namibia has identified throughout the negotiations of the Interim Economic Partnership Agreement would be addressed through the negotiations towards a comprehensive Economic Partnership Agreement.
