



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 30 April 2009
(OR. en)**

**5556/09
ADD 35**

**ACP 22
WTO 19
COAFR 27
RELEX 54**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject : Final Act to the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part

FINAL ACT

The representatives of:

UNION OF COMOROS,

THE REPUBLIC OF MADAGASCAR,

THE REPUBLIC OF MAURITIUS,

THE REPUBLIC OF SEYCHELLES,

THE REPUBLIC OF ZAMBIA,

THE REPUBLIC OF ZIMBABWE,

hereinafter referred to as the "ESA States",

on the one part, and

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,

hereinafter referred to as "the EC Party",

on the other part,

meeting at [town, country] on the [day] of [month] 2009 for the signature of the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States on the one part and the European Community and its Member States on the other part, have at the time of signature of the Agreement:

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

ANNEX I: CUSTOMS DUTIES ON PRODUCTS ORIGINATING IN ESA STATES

ANNEX II: LIST OF ESA STATES TAKING COMMITMENTS UNDER
CHAPTER II AND CUSTOMS DUTIES ON PRODUCTS
ORIGINATING IN EU STATES INTO THE SIGNATORY ESA STATES

ANNEX III: ESA STATES EXCEPTIONS ON DUTIES, TAXES ON EXPORTS,
NATIONAL TREATMENT ON INTERNAL TAXATION AND
REGULATION

ANNEX IV: DEVELOPMENT MATRIX

PROTOCOL 1: CONCERNING THE DEFINITION OF THE CONCEPT OF
"ORIGINATING PRODUCTS" AND METHODS OF
ADMINISTRATIVE COOPERATION; AND THE ANNEXES
THERE TO

PROTOCOL 2: MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS
MATTERS; AND THE ANNEXES THERE TO

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 DECLARATION
CONCERNING THE PRINCIPALITY OF ANDORRA

1. Products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonised System shall be accepted by the ESA States as originating in the Community within the meaning of this Agreement.

2. Protocol 1 shall apply *mutatis mutandis* for the purpose of defining the originating status of the abovementioned products.

JOINT DECLARATION
CONCERNING THE REPUBLIC OF SAN MARINO

1. Products originating in the Republic of San Marino shall be accepted by the ESA States as originating in the Community within the meaning of this Agreement.
2. Protocol 1 shall apply *mutatis mutandis* for the purpose of defining the originating status of the abovementioned products.

JOINT DECLARATION
CONCERNING TUNA QUOTAS

This Joint Declaration clarifies the application for the year 2009 of Article 42(8) of Protocol I to the Interim Agreement establishing a framework for an Economic Partnership Agreement (hereinafter referred to as the "Agreement") concerning the definition of the concept of "originating products" and methods of administrative cooperation which provides for the automatic derogation for an annual quota of 8 000 tons of canned tuna and 2 000 tons of tuna loins.

Parties note that the derogations for processed tuna granted under EC Regulation (EC) No 1528/2007 are an advanced provisional application of the automatic derogation included in the Agreement as foreseen in Article 62(6). Therefore, the Parties note that the global annual quota of a total of 8 000 tons of canned tuna and 2 000 tons of tuna loins will be respected in 2009 under the combination of the derogations granted under Council Regulation (EC) No 1528/2007 and the automatic derogation included in the Agreement.

To this end, the Parties note that the global annual quota of the automatic derogation for 2009 after the Agreement is provisionally applied will be reduced by the cumulative quantities effectively used from 1 January 2009 until the date of provisional application of the Agreement as regards the ESA States benefiting from the derogations granted under the EC Regulation (EC) No 1528/2007. In order to facilitate this understanding, these quantities will be notified to the EC within a period of 60 days following the date of provisional application of the Agreement as regards the ESA States benefiting from the derogations.

The adapted 2009 automatic derogation quota will be implemented through a Decision of the Customs Cooperation Committee foreseen in Article 41 of the Protocol I concerning the definition of the concept of "originating products" and methods of administrative cooperation.