

FINAL ACT

The plenipotentiaries of

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the EUROPEAN COMMUNITY,

hereinafter referred to as the 'Member States',

and THE EUROPEAN COMMUNITY, hereinafter referred to as the 'Community',

of the one part, and

the plenipotentiary of

THE REPUBLIC OF SOUTH AFRICA, hereinafter referred to as 'South Africa',

of the other part

meeting at Pretoria this eleventh day of October in the year one thousand nine hundred and ninety-nine for the signature of the Agreement on Trade, Development and Cooperation between the European Community and its Member States, on the one part, and the Republic of South Africa, on the other part, hereafter referred to as the 'Agreement' have adopted the following texts:

The Agreement including its Annexes and the following Protocols:

Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Protocol 2 on mutual administrative assistance in customs matters.

The plenipotentiaries of the Community and its Member States and the plenipotentiary of South Africa have adopted the texts of the Joint Declarations listed below and attached to this Final Act:

Joint Declaration in relation to non-execution

Joint Declaration in relation to export refunds

Joint Declaration in relation to accelerated tariff elimination by South Africa

Joint Declaration on agricultural quotas

Joint Declaration in relation to public aid

Joint Declaration in relation to fisheries

Joint Declaration in relation to bilateral agreements

Joint Declaration in relation to illegal immigration

The plenipotentiary of South Africa has taken note of the declarations listed below and attached to this Final Act:

Community Declaration in relation to the essential element

Community Declaration in relation to financial aspects of cooperation

Declaration by the European Investment Bank (EIB) in relation to financial aspects of cooperation

The plenipotentiaries of the Community and its Member States have taken note of the declarations listed below and attached to this Final Act:

Declaration by South Africa in relation to the essential element

Declaration by South Africa in relation to sanitary and phytosanitary measures

Declaration by South Africa in relation to financial aspects of cooperation

Furthermore, the plenipotentiaries of the Member States and the plenipotentiary of South Africa have adopted the Agreed Minutes from the negotiations which are attached to this Final Act.

Hecho en Pretoria, el once de octubre de mil novecientos noventa y nueve.

Udfærdiget i Pretoria den elvte oktober nitten hundrede og nioghalvfems.

Geschehen zu Pretoria am elften Oktober neunzehnhundertneunundneunzig.

Έγινε στην Πρετόρια, στις ένδεκα Οκτωβρίου χίλια εννιακόσια ενενήντα εννέα.

Done at Pretoria on the eleventh day of October in the year one thousand nine hundred and ninety-nine.

Fait à Pretoria, le onze octobre mil neuf cent quatre-vingt dix-neuf.

Fatto a Pretoria, addì undici ottobre millenovecentonovantanove.

Gedaan te Pretoria, de elfde oktober negentienhonderd negenennegentig.

Feito em Pretória, em onze de Outubro de mil novecentos e noventa e nove.

Tehty Pretoria yhdentenätoista päivänä lokakuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäyhdeksän.

Som skedde i Pretoria den elfte oktober nittonhundra nittionio.

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

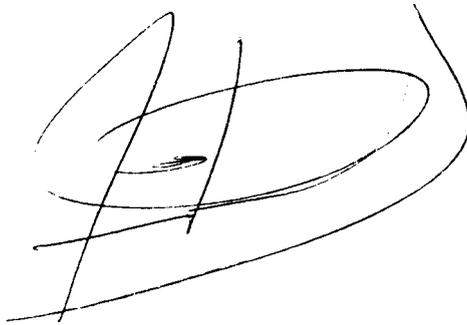
Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

Pour le Royaume de Belgique

Voor het Koninkrijk België

Für das Königreich Belgien



Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift verbindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

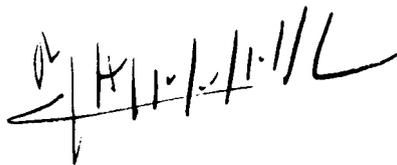
For Kongeriget Danmark



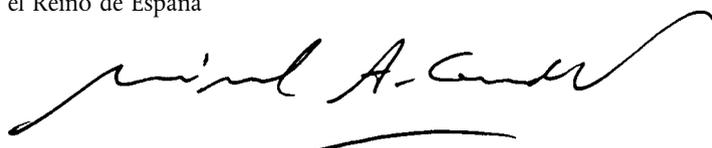
Für die Bundesrepublik Deutschland



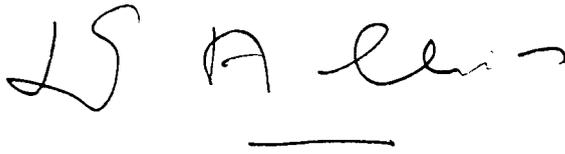
Για την Ελληνική Δημοκρατία



Por el Reino de España



Pour la République française

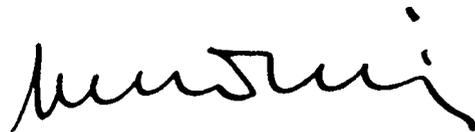


Thar ceann na hÉireann

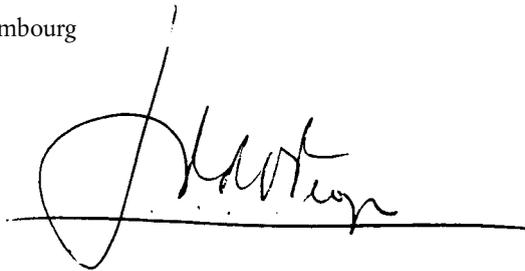
For Ireland



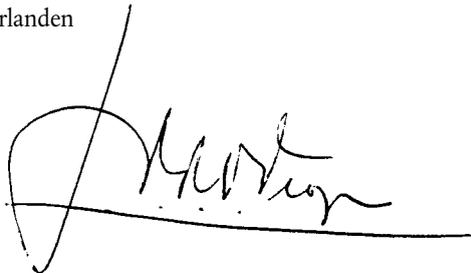
Per la Repubblica italiana



Pour le Grand-Duché de Luxembourg



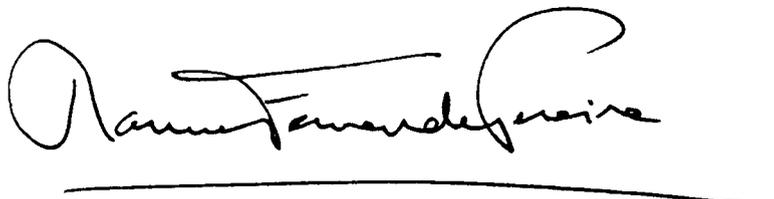
Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



Pela República Portuguesa

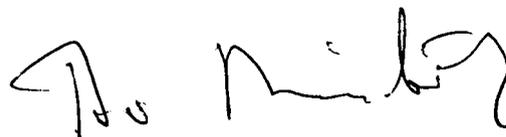


Suomen tasavallan puolesta

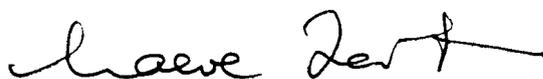
För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



For the Republic of South Africa

wa Repapoliki ya Afrika Borwa

Ya Rephaboliki ya Afrika Borwa

Wa Rephaboliki ya Aforika Borwa

WeRiphabliki yaseNingizimu Afrika

wa Rephabuliki ya Afurika Tshipembe

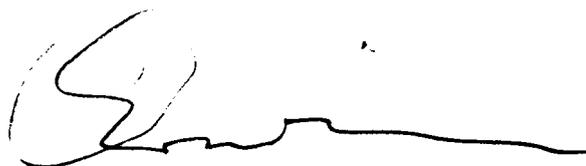
Wa Riphabliki ra Afrika-Dzonga

Vir die Republiek van Suid-Afrika

WeRiphabhliki yeSewula Afrika

WeRiphablikhi yoMzantsi Afrika

WeRiphabhulikhi yaseNingizimu Afrika



Joint Declaration in relation to non-execution

The Parties agree that the violation of the essential elements of the agreement referred to at Article 3(3) of this Agreement shall only consist of a grave violation of democratic principles or fundamental human rights or the serious interruption of the rule of law, creating an environment not conducive for consultations or where a delay would be detrimental to the objectives or interests of the Parties to this Agreement.

The Parties also agree that the appropriate measures referred to at Article 3(1), (3) and (5) of this Agreement must be proportional to the violation. In the selection and implementation of these measures, the Parties will pay particular attention to the circumstances of the most vulnerable groups of the population and will ensure that they are not unduly penalised.

Joint Declaration in relation to export refunds

1. In drawing up the trade components of the Agreement, the Parties have examined on a case-by-case basis, the potential impact of export refund mechanisms on the process of trade liberalisation.
2. The Community states for its part that further examination of the future export refunds in connection with trade with South Africa will take place when the present discussions on agricultural reform have been completed.

Joint Declaration in relation to accelerated tariff elimination by South Africa

The Parties agree to anticipate the application of the procedures provided in Article 17 of this Agreement during the interim period before the entry into force of the Agreement in order to allow the possible application of an accelerated timetable for tariff elimination and elimination of export refunds on the date of entry into force of the Agreement.

Joint Declaration on agricultural quotas

1. The annual growth factors set out in Annex IV, list 6 and Annex VI, lists 3 and 4 of this Agreement will be periodically examined and reconfirmed starting no later than five years after entry into force of the Agreement.
 2. Concerning in particular prepared fruits (peaches, pears and apricots), South Africa agrees to manage its exports to the Community in a balanced way.
-

Joint Declaration in relation to public aid

The Parties agree that the South African economy and its interaction with the economies in the Southern African Development Community are undergoing a substantial restructuring that will be facilitated by the Government of South Africa.

—

Joint Declaration in relation to fisheries

The Parties will make their best endeavours to negotiate and conclude the Fisheries Agreement referred to in Article 62 of this Agreement no later than the end of the year 2000.

—

Joint Declaration in relation to bilateral agreements

Notwithstanding any implication to the contrary in this Agreement, any such rights of one or more Member States of the European Union contained in such existing agreements shall not be construed to have been extended to the other Member States.

—

Joint Declaration in relation to illegal immigration

The Parties, recognising the importance of cooperating together for the prevention and control of illegal immigration, declare their readiness to pursue these issues in exchanges within the framework of the Cooperation Council with a view to seeking solutions to problems which might arise in this sector.

—

Community declaration in relation to the essential element

In the context of a political and institutional environment respectful of human rights, democratic principles and the rule of law, the Community considers good governance as meaning the transparent and accountable management of all a country's human, natural, and internal and external economic and financial resources for the purposes of equitable and sustainable development.

Community declaration in relation to financial aspects of cooperation

In the past a special financial facility was established as the European programme for reconstruction and development (EPRD), under Council Regulation (EC) No 2259/96. The Community earmarked about ECU 500 million for this facility over the period 1996 to 1999 in support of the policies of the Government of South Africa and agreements were signed on this basis. This amount covers four annual appropriations, which are subject to approval by the Community budget authority. The Community declares its willingness to maintain its financial cooperation with South Africa at a substantial level, and will take the necessary decisions in this respect on the basis of a proposal by the Commission.

Other appropriate financial instruments (e.g. in the framework of the EC/ACP Cooperation Agreement) could be made available after this Agreement has entered into force. In this context, the Community would be willing to consider the possibility of channelling part of its future assistance, in a targeted manner (e.g. emerging entrepreneurs), in the form of risk capital or of interest rates subsidies on European Investment Bank (EIB) own-resources lending.

Declaration by the European Investment Bank (EIB) in relation to financial aspects of cooperation

As set out in the Framework Agreement signed between South Africa and the EIB on 12 September 1995, the EIB was authorised by its Board of Governors on 19 June 1995 to make loans up to a total of ECU 300 million on the Bank's own resources in South Africa over the two-year period from 19 June 1995 to 19 June 1997. Under a second authorisation by the Bank's Board of Governors on 12 June 1997 and a supplementary Framework Agreement signed between South Africa and the EIB on 6 March 1998, a further ECU 375 million has been authorised for the period June 1997 to December 1999.

The Article refers to the possible extension of these activities of the Bank at the end of this period.

Within its mandate, the EIB would be willing to consider loans to South African borrowers for projects in South Africa, and, on a case by case basis, for projects in the SADC region.

Declaration by South Africa in relation to the essential element

Good governance is understood on the South African side as compliance with the South African Constitution (Act 108 of 1996), in particular the provisions related to the transparent, equitable and accountable management of her human, natural, economic and financial resources for the purpose of economic growth and sustainable development.

Declaration by South Africa in relation to sanitary and phytosanitary measures

The South African Government wishes to stress that the smooth and efficient functioning of the mechanism for the implementation of sanitary and phytosanitary measures is vital for the successful and effective implementation of this Agreement. In this regard, South Africa urges the Community to treat South Africa, as preferred trade partner, as a priority country in its sanitary and phytosanitary dealings.

Declaration by South Africa in relation to financial aspects of cooperation

The South African Government anticipates that the present level of financial cooperation with respect to funding beyond 1999 shall be at least maintained at the same levels.

AGREED MINUTES

The Contracting Parties agreed that:

Ad Article 4

a regular political dialogue between the Parties shall commence at the moment that the provisional application of this Agreement enters into effect.
