



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 26 March 2001
(OR. en)**

**6726/01
ADD 3**

**Interinstitutional File:
2001/0049 (AVC)**

LIMITE

**YU 6
COWEB 20**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject : Stabilisation and Association Agreement between the European Communities and
 their Member States, of the one part, and the former Yugoslav Republic of
 Macedonia, of the other part

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, the Treaty establishing the European Coal and Steel Community, the Treaty establishing the European Atomic Energy Community, and the Treaty on European Union,

hereinafter referred to as "the Member States", and of

the EUROPEAN COMMUNITY, the EUROPEAN COAL AND STEEL COMMUNITY and the EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as "the Community",

of the one part, and

the plenipotentiaries of the FORMER YUGOSLAV REPUBLIC OF MACEDONIA,

of the other part,

meeting in Luxembourg on _____ in the year 2001 for the signature of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia of the other part, hereinafter referred to as "the Agreement", have adopted the following texts:

the Agreement, its Annexes I - VII, namely:

Annex I – Imports into the former Yugoslav Republic of Macedonia of less sensitive industrial goods originating in the Community

Annex II – Imports into the former Yugoslav Republic of Macedonia of sensitive industrial goods originating in the Community

Annex III – EC Definition of "Baby beef"

Annex IV(a) – Imports into the former Yugoslav Republic of Macedonia of agricultural goods originating in the Community (zero-duty tariff)

Annex IV(b) – Imports into the former Yugoslav Republic of Macedonia of agricultural goods originating in the Community (zero-duty tariff within tariff quotas)

Annex IV(c) – Imports into the former Yugoslav Republic of Macedonia of agricultural goods originating in the Community (concessions within tariff quotas)

Annex V(a) – Imports into the Community of fish and fisheries products originating in the former Yugoslav Republic of Macedonia

Annex V(b) – Imports into the former Yugoslav Republic of Macedonia of fish and fisheries products originating in the Community

Annex VI – Establishment: "Financial services"

Annex VII – Intellectual, Industrial Commercial Property Rights

and the following Protocols:

Protocol 1 on textile and clothing products

Protocol 2 on steel products

Protocol 3 on trade between former Yugoslav Republic of Macedonia and the Community in processed agricultural products

Protocol 4 concerning the definition of the concept of "originating products" and methods of administrative cooperation

Protocol 5 on mutual administrative assistance in customs matters

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of former Yugoslav Republic of Macedonia have adopted the texts of the joint declarations listed below and annexed to this Final Act:

Joint Declaration concerning Article 34 of the Agreement

Joint Declaration concerning Article 40 of the Agreement

Joint Declaration concerning Article 44 of the Agreement

Joint Declaration concerning Article 46 of the Agreement

Joint Declaration concerning Article 57 of the Agreement

Joint Declaration concerning Article 71 of the Agreement

Joint Declaration concerning Article 118 of the Agreement

The plenipotentiaries of the former Yugoslav Republic of Macedonia have taken note of the Declarations listed below and annexed to this Final Act:

Declaration by Community and its Member States concerning Articles 27 and 29

Declaration of the Community on Article 76

Done at Luxembourg,

JOINT DECLARATIONS

Joint Declaration on Article 34

The European Communities and the former Yugoslav Republic of Macedonia, aware of the impact that the sudden elimination of the 1% fee applied for customs clearance purposes to imported goods could have on the budget of the latter, agree, as an exceptional measure, that the fee would be maintained until 1 January 2002 or until the entry into force of the Stabilisation and Association Agreement, whichever occurs first.

Should this fee, in the meantime, be reduced or eliminated vis-à-vis a third country, the former Yugoslav Republic of Macedonia undertakes to immediately apply the same treatment to goods of EC origin.

The content of this Joint Declaration is without prejudice to the position of the European Communities in the negotiations on the accession of the former Yugoslav Republic of Macedonia to the World Trade Organisation.

Joint Declaration concerning Article 40

Declaration of intent by the Contracting Parties on the trade arrangements between the States that emerged from the former Socialist Federal Republic of Yugoslavia:

1. The European Community and former Yugoslav Republic of Macedonia consider it essential for economic and trade cooperation between the States that emerged from the former Socialist Federal Republic of Yugoslavia to be reestablished as quickly as possible, as soon as political and economic circumstances permit.
2. The Community is prepared to grant cumulation of origin to the States that emerged from the former Socialist Federal Republic of Yugoslavia which have restored normal economic and trade cooperation as soon as the administrative cooperation needed for cumulation to work properly has been established.
3. With this in mind, former Yugoslav Republic of Macedonia declares its readiness to enter into negotiations as soon as possible in order to establish cooperation with other States that emerged from the former Socialist Federal Republic of Yugoslavia.

Joint Declaration concerning Article 44

It is understood that the notion "children" is defined in accordance with national legislation of the host country concerned.

Joint Declaration concerning Article 46

It is understood that the notion "members of their family" is defined in accordance with national legislation of the host country concerned.

Joint Declaration concerning Article 57

The Parties agree to seek the earliest possible implementation of Article 12(3)(b) of the Transport Agreement between the European Community and the former Yugoslav Republic of Macedonia, on a system of ecopoints through the conclusion of the relevant agreement, in the form of an exchange of letters, as soon as possible and at the latest by the conclusion of the Interim Agreement.

Joint Declaration concerning Article 71

The Parties agree that for the purpose of this Agreement, intellectual, industrial and commercial property includes in particular copyright, including the copyright in computer programmes, and neighbouring rights, the rights relating to databases, patents, industrial designs, trademarks and service marks, topographies of integrated circuits, geographical indications, including appellation of origins, as well as protection against unfair competition as referred to in Article 10a of the Paris Convention for the Protection of Industrial Property and protection of undisclosed information on know-how.

Joint Declaration concerning Article 118

- (a) For the purposes of the interpretation and practical application of the Agreement, the Parties agree that the cases of special urgency referred to in Article 118 of the Agreement mean cases of material breach of the Agreement by one of the two parties. A material breach of the Agreement consists of:
- repudiation of the Agreement not sanctioned by the general rules of international law;
 - violation of the essential elements of the Agreement set out in Article 2.
- (b) The Parties agree that the "appropriate measures" referred to in Article 118 are measures taken in accordance with international law. If a Party takes a measure in a case of special urgency pursuant to Article 118, the other Party may avail itself of the dispute settlement procedure.

UNILATERAL DECLARATIONS

Declaration by the Community and its Member States concerning Articles 27 and 29

Considering that exceptional trade measures are granted by the European Community to countries participating or linked to the EU Stabilisation and Association Process including the former Yugoslav Republic of Macedonia on the basis of Council Regulation (EC) No 2007/2000 as amended, the European Community and its Member States declare:

- that, pursuant to Article 29(2) of this Agreement, those of the unilateral autonomous trade measures which are more favourable shall apply in addition to the contractual trade concessions offered by the Community in this Agreement as long as Regulation (EC) No 2007/2000 as amended applies;
- that, in particular, for the products covered by Chapters 7 and 8 of the Combined Nomenclature, for which the Common Customs Tariff provides for the application of ad valorem customs duties and a specific customs duty, the elimination shall apply also to the specific customs duty in derogation from the relevant provision of Article 27(1).

Declaration of the European Community on Article 76

As far as the readmission of nationals of other countries and of stateless persons by former Yugoslav Republic of Macedonia is concerned, the repatriation policy of the European Community is based on the following main elements:

- Priority is given to voluntary return;
- Repatriation into the country of origin is the overriding principle.
