

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 and the Treaty establishing the EUROPEAN COAL AND STEEL COMMUNITY, hereinafter referred to as the "Member States", and

of the THE EUROPEAN COMMUNITY and the THE EUROPEAN COAL AND STEEL COMMUNITY, hereinafter referred to as "the Community",

of the one part, and

the Plenipotentiaries of the ARAB REPUBLIC OF EGYPT, hereinafter referred to as "Egypt",

of the other part,

meeting at Luxembourg on 25 June 2001 for the signature of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, hereinafter referred to as "Euro-Mediterranean Agreement", have adopted the following texts:

the Euro-Mediterranean Agreement, the Annexes thereto and the following Protocols:

- Protocol 1 concerning the arrangements applicable to imports into the Community of agricultural products originating in Egypt
- Protocol 2 concerning the arrangements applicable to imports into Egypt of agricultural products originating in the Community
- Protocol 3 concerning the arrangements applicable to processed agricultural products
- Protocol 4 concerning the definition of the concept of "originating products" and methods of administrative cooperation
- Protocol 5 on mutual assistance between administrative authorities in customs matters.

The plenipotentiaries of the Member States and of the Community and the plenipotentiary of Egypt have adopted the texts of the Joint Declarations listed below and annexed to this Final Act:

Joint Declaration on Article 3(2) of the Agreement

Joint Declaration on Article 14 of the Agreement

Joint Declaration on Article 18 of the Agreement

Joint Declaration on Article 34 of the Agreement

Joint Declaration on Article 37 of, and Annex VI to, the Agreement

Joint Declaration on Article 39 of the Agreement

Joint Declaration on Title VI, Chapter 1, of the Agreement

Joint Declaration on the protection of data.

The plenipotentiaries of the Member States and the plenipotentiary of Egypt take note of the following Unilateral Declarations by the European Community:

Declaration by the European Community on Article 11 of the Agreement

Declaration by the European Community on Article 19 of the Agreement

Declaration by the European Community on Article 21 of the Agreement

Declaration by the European Community on Article 34 of the Agreement.

The plenipotentiaries of the Member States and of the Community and the plenipotentiary of Egypt have also taken note of the Agreement in the form of an Exchange of Letters mentioned below and attached to this Final Act:

Agreement in the form of an Exchange of Letters between the Community and Egypt concerning imports into the Community of fresh cut flowers and flower buds falling within subheading 0603 10 of the Common Customs Tariff.

JOINT DECLARATIONS

JOINT DECLARATION ON ARTICLE 3(2)

It is understood that the political dialogue and cooperation will also cover issues relating to the fight against terrorism.

JOINT DECLARATION ON ARTICLE 14

Both Parties agree to negotiate with a view to granting each other concessions in the trade of fish and fishery products on the basis of reciprocity and mutual interest, with the objective of reaching agreement on the details no later than one year after the signature of this Agreement.

JOINT DECLARATION ON ARTICLE 18

In case of serious difficulties arising in relation to the level of imports under the agreement the provisions providing for consultation between the Parties may be used, urgently where necessary.

JOINT DECLARATION ON ARTICLE 34

The Parties recognise that Egypt is currently in the process of drafting its own competition law. This will provide the necessary conditions for agreeing on the implementation rules referred to in Article 34(2). While drafting its law, Egypt will take into account the competition rules developed within the European Union.

Until the implementation rules referred to in Article 34(2) are adopted, if serious problems arise, the Parties may raise the matter for consideration in the Association Council.

JOINT DECLARATION ON ARTICLE 37 AND ANNEX VI

For the purpose of this Agreement, intellectual property includes, in particular, copyright, including copyright in computer programmes, and neighbouring rights, patents, industrial designs, geographical indications, including appellations of origin, trademarks and service marks, topographies of integrated circuits, as well as the protection against unfair competition as referred to in Article 10 bis of the Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967) and protection of undisclosed information on "know-how".

JOINT DECLARATION ON ARTICLE 39

The Parties agree that, in the event of a serious disequilibrium in their overall balance of trade, which threatens trade relations, either Party may call for consultations within the Association Committee in order to promote, in line with Article 39, balanced economic relations and to consider ways to sustainably improve the situation with a view to reduce the imbalances.

JOINT DECLARATION ON TITLE VI CHAPTER 1

The Parties agree to endeavour to facilitate the issuing of visas to bona fide persons active in the implementation of this Agreement, including inter-alia business persons, investors, academics, trainees, government officials; first degree family members of persons legally resident in the territory of the other party shall also be considered.

JOINT DECLARATION ON THE PROTECTION OF DATA

The Parties agree that the protection of data will be guaranteed in all areas where the exchange of personal data is envisaged.

DECLARATIONS BY THE EUROPEAN COMMUNITY

DECLARATION BY THE EUROPEAN COMMUNITY ON ARTICLE 11

When consultations are requested as provided for in the last paragraph of Article 11, the Community will be ready to hold consultations within 30 days of the exceptional measures being notified to the Association Committee by Egypt.

The purpose of such consultations will be to ensure that the measures concerned are in accordance with the provisions of Article 11, and the Community will not oppose the adoption of the measures if these conditions are met.

DECLARATION BY THE EUROPEAN COMMUNITY ON ARTICLE 19

The special provisions applied by the Community to the Canary Islands, referred to in Article 19 paragraph 2 are those provided for by Council Regulation (EEC) N° 1911/91 of 26 June 1991.

DECLARATION BY THE EUROPEAN COMMUNITY ON ARTICLE 21

The Community is prepared to hold meetings at official level, at Egypt's request, to provide information on any modifications which may have been introduced in its trade relations with third countries.

DECLARATION BY THE EUROPEAN COMMUNITY ON ARTICLE 34

The Community declares that, until the adoption by the Association Council of the implementing rules on fair competition referred to in Article 34 paragraph 2, in the context of the interpretation of Article 34 paragraph 1, it will assess any practice contrary to that Article on the basis of the criteria resulting from the rules contained in Articles 81, 82 and 87 of the Treaty establishing the European Community, and, for products covered by the Treaty establishing the European Coal and Steel Community, by those contained in Articles 65 and 66 of that Treaty and the Community rules on State aids, including secondary legislation.

The Community declares that, as regards the agricultural products referred to in Title II Chapter 3, the Community will assess any practice contrary to paragraph 1(i) of Article 34 according to the criteria established by the Community on the basis of Articles 36 and 37 of the Treaty establishing the European Community and in particular those established in Council Regulation No. 26/62 as amended, and any practice contrary to paragraph 1(iii) of Article 34 according to the criteria established by the European Community on the basis of Articles 36 and 87 of the Treaty establishing the European Community.

AGREEMENT
IN THE FORM OF AN EXCHANGE OF LETTERS
BETWEEN THE COMMUNITY AND EGYPT
CONCERNING IMPORTS INTO THE COMMUNITY OF
FRESH CUT FLOWERS AND FLOWERS AND FLOWER BUDS
FALLING WITHIN SUBHEADING 0603 10 OF THE
COMMON CUSTOMS TARIFF

A. Letter from the Community

Sir,

The following was agreed between the Community and Egypt:

Protocol 1 of the Euro-Mediterranean Agreement provides for the elimination of customs duties on imports into the Community of cut flowers and flower buds, fresh, falling within subheading 0603 10 of the Common Customs Tariff and originating in Egypt, subject to a limit of 3 000 tonnes.

Egypt undertakes to abide by the conditions laid down below for imports into the Community of roses and carnations which qualify for the elimination of this tariff:

- The price level of imports into the Community must be at least equal to 85% of the Community price level for the same products over the same periods,
- The Egyptian price level shall be determined by recording the prices of the imported products, on representative Community import markets,

- The Community price level shall be based on the producer prices recorded on representative markets of the main producer Member States,
- Price levels will be recorded on a fortnightly basis and weighted by the respective quantities. This provision is valid for Community prices and for Egyptian prices,
- For both Community producer prices and the import prices of Egyptian products, a distinction shall be made between large-flowered and small-flowered roses and between unifloral and multifloral carnations,
- If the Egyptian price level for any one type of product is below 85% of the Community price level, the tariff preference shall be suspended. The Community shall reinstate the tariff preference when an Egyptian price level equal to 85% or more of the Community price level is recorded.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the European Community

B. Letter from Egypt

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

"The following was agreed between the Community and Egypt:

Protocol 1 of the Euro-Mediterranean Agreement provides for the elimination of customs duties on imports into the Community of cut flowers and flower buds, fresh, falling within subheading 0603 10 of the Common Customs Tariff and originating in Egypt, subject to a limit of 3 000 tonnes.

Egypt undertakes to abide by the conditions laid down below for imports into the Community of roses and carnations which qualify for the elimination of this tariff:

- The price level of imports into the Community must be at least equal to 85% of the Community price level for the same products over the same periods,
- The Egyptian price level shall be determined by recording the prices of the imported products on representative Community import markets,

- The Community price level shall be based on the producer prices recorded on representative markets of the main producer Member states,
- Price levels will be recorded on a fortnightly basis and weighted by the respective quantities. This provision is valid for Community prices and for Egyptian prices,
- For both Community producer prices and the import prices of Egyptian products, a distinction shall be made between large-flowered and small-flowered roses and between unifloral and multifloral carnations,
- If the Egyptian price level for any one type of product is below 85% of the Community price level, the tariff preference shall be suspended. The Community shall reinstate the tariff preference when an Egyptian price level equal to 85% or more of the Community price level is recorded.

I should be obliged if you would confirm that your Government is in agreement with the contents of this letter."

I have the honour to confirm that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of
the Arab Republic of Egypt
