



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 12 April 2002  
(OR. fr)**

**6786/02  
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**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject : Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part  
– Final Act and Declarations

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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 Plenipotentiaries of THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA, hereinafter referred to as "Algeria",

of the other part,

meeting in ..... on ..... in the year two thousand and two for the signature of the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, hereinafter referred to as "the Agreement",

HAVE AT THE TIME OF SIGNATURE ADOPTED THE FOLLOWING TEXTS:

the Agreement,

the Annexes thereto, namely 1 to 6:

- |         |   |
|---------|---|
| ANNEX 1 | List of agricultural and processed agricultural products falling within HS Chapters 25 to 97 referred to in Articles 7 and 14 |
| ANNEX 2 | List of products referred to in Article 9(1)  |
| ANNEX 3 | List of products referred to in Article 9(2)  |
| ANNEX 4 | List of products referred to in Article 17(4)   |
| ANNEX 5 | Implementing rules for Article 41   |
| ANNEX 6 | Intellectual, industrial and commercial property  |

and Protocols Nos 1 to 7, namely:

- Protocol No 1      on the arrangements applying to imports into the Community of agricultural products originating in Algeria
- Protocol No 2      on the arrangements applying to imports into Algeria of agricultural products originating in the Community
- Protocol No 3      on the arrangements applying to imports into the Community of fishery products originating in Algeria
- Protocol No 4      on the arrangements applying to imports into Algeria of fishery products originating in the Community
- Protocol No 5      on commercial trade in processed agricultural products between Algeria and the Community
- Protocol No 6      concerning the definition of originating products and methods of administrative cooperation
- Protocol No 7      on mutual administrative assistance in the field of customs

The Plenipotentiaries of the Member States of the Community and the Plenipotentiaries of Algeria have also adopted the following Declarations attached to this Final Act:

#### JOINT DECLARATIONS

Joint Declaration relating to Article 44 of the Agreement

Joint Declaration on human exchanges

Joint Declaration relating to Article 84 of the Agreement

Joint Declaration relating to Article 104 of the Agreement

Joint Declaration relating to Article 110 of the Agreement

#### DECLARATIONS BY THE EUROPEAN COMMUNITY

Declaration by the European Community on Turkey

Declaration by the European Community on the accession of Algeria to the WTO

Declaration by the European Community relating to Article 41 of the Agreement

Declaration by the European Community relating to the first indent of Article 84(1) of the Agreement

Declaration by the European Community relating to Article 88 of the Agreement (racism and xenophobia)

## DECLARATIONS BY ALGERIA

Declaration by Algeria relating to Article 9 of the Agreement

Declaration by Algeria on customs union between the European Community and Turkey

Declaration by Algeria relating to Article 41 of the Agreement

Declaration by Algeria relating to Article 91 of the Agreement

## JOINT DECLARATIONS

### Joint Declaration relating to Article 44 of the Agreement,

Under the Agreement, the Parties agree that intellectual, industrial and commercial property comprises, in particular, copyright, including copyright in computer programs, and neighbouring rights, database rights, commercial trademarks and geographical descriptions including designation of origin, industrial designs and models, patents, configuration plans (topographies) of integrated circuits, protection of undisclosed information and protection against unfair competition in accordance with Article 10(a) of the Paris Convention for the Protection of Industrial Property (1967 Stockholm Act) and the protection of confidential information concerning "know-how".

### Joint Declaration on human exchanges

The Parties will examine the desirability of negotiating agreements on sending Algerian workers to take up temporary work.

### Joint Declaration relating to Article 84 of the Agreement,

The Parties declare that the term "nationals of other countries arriving in their territory direct from the territory of the other" will be defined in the context of the agreements referred to in Article 84(2).

### Joint Declaration relating to Article 104 of the Agreement

1. The Parties agree, for the purpose of the correct interpretation and practical application of this Agreement, that the term "cases of special urgency" in Article 104 means a case of the material breach of the Agreement by one of the Parties. A material breach of the Agreement consists in:

- repudiation of the Agreement not sanctioned by the general rules of international law,
- violation of the essential elements of the Agreement agreed to in Article 2.

2. The Parties agree that the "appropriate measures" referred to in Article 104 of the Agreement are measures taken in accordance with international law. If a Party takes a measure in a case of special urgency as provided for under Article 104, the other Party may avail itself of the procedure relating to settlement of disputes.

### Joint Declaration relating to Article 110 of the Agreement

The advantages which Algeria derives from the arrangements granted to it by France under the Protocol on goods originating in and coming from certain countries and enjoying special treatment when imported into a Member State, annexed to the Treaty establishing the European Community, have been taken into account in this Agreement. As a result, these special arrangements must be considered repealed from the date on which the Agreement enters into force.

## DECLARATIONS BY THE EUROPEAN COMMUNITY

### Declaration by the European Community on Turkey

The Community recalls that in accordance with the Customs Union in force between the Community and Turkey, the latter has the obligation, in relation to countries which are not members of the Community, to align itself on the Common Customs Tariff and, progressively, on the preferential customs regime of the Community, taking the necessary measures and negotiating agreements on mutually advantageous basis with the countries concerned. Consequently, the Community invites Algeria to enter into negotiations with Turkey as soon as possible.

### Declaration by the European Community on the accession of Algeria to the WTO

The European Community and its Member States state their support for Algeria's rapid accession to the WTO and agree to provide any assistance necessary to this end.

### Declaration by the European Community relating to Article 41 of the Agreement

The Community declares that, in interpreting Article 41(1) of the Agreement, it will evaluate any practice contrary to that Article on the basis of the criteria resulting from the rules contained in Articles 81 and 82 of the Treaty establishing the European Community, including secondary legislation.

Declaration by the European Community  
relating to the first indent of Article 84(1) of the Agreement

As regards the Member States of the European Union, the obligations set out in the first indent of Article 84(1) of this Agreement apply only to those persons who are to be considered their nationals for Community purposes.

Declaration by the European Community  
relating to Article 88 of the Agreement (racism and xenophobia)

The provisions of Article 88 apply without prejudice to the provisions and conditions relating to the admission and residence of nationals of other countries and stateless persons on the territory of the Member States of the European Union or to any treatment associated with the legal status of the third-country nationals and stateless persons concerned.

## DECLARATIONS BY ALGERIA

### Declaration by Algeria relating to Article 9 of the Agreement

Algeria considers one of the essential objectives of the Association Agreement to be an increase in the flow of European direct investment in Algeria. It invites the Community and its Member States to support the practical realisation of this objective, in particular in the context of trade liberalisation and the dismantling of tariff barriers. The Association Council will examine the question if the need arises.

### Declaration by Algeria

#### on customs union between the European Community and Turkey

Algeria takes note of the Declaration by the European Community on Turkey. While observing that this declaration arises from the existence of customs union between those parties, Algeria will consider this matter when the time comes.

### Declaration by Algeria relating to Article 41 of the Agreement

In applying its law on competition, Algeria will bear in mind the competition policy guidelines developed within the European Union.

### Declaration by Algeria relating to Article 91 of the Agreement

Algeria considers that suspending the principle of banking secrecy is an essential factor in combating corruption.