



Council of the
European Union

Brussels, 19 August 2014
(OR. en)

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ACP 135
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PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 13 August 2014

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No. Cion doc.: COM(2014) 516 final

Subject: ANNEX to the Proposal for a Council Decision on the signing on behalf of
the European Union and its Member States, and provisional application of
the Additional Protocol to the Trade, Development and Cooperation
Agreement between the European Community and its Member States, of
the one part, and the Republic of South Africa, of the other part, to take
account of the accession of Croatia to the European Union

Delegations will find attached document COM(2014) 516 final.

Encl.: COM(2014) 516 final



EUROPEAN
COMMISSION

Brussels, 13.8.2014
COM(2014) 516 final

ANNEX 1

ANNEX

to the

Proposal for a Council Decision

on the signing on behalf of the European Union and its Member States, and provisional application of the Additional Protocol to the Trade, Development and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of Croatia to the European Union

ANNEX

ADDITIONAL PROTOCOL

to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Republic of Croatia to the European Union

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 REPUBLIC OF CROATIA
THE ITALIAN REPUBLIC,
THE REPUBLIC OF CYPRUS,
THE REPUBLIC OF LATVIA,
THE REPUBLIC OF LITHUANIA,
THE GRAND DUCHY OF LUXEMBOURG,
HUNGARY,
THE REPUBLIC OF 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,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as the ‘Member States of the European Union’, represented by the Council of the European Union’,

and

THE EUROPEAN UNION,

of the one part,

and

THE REPUBLIC OF SOUTH AFRICA, herein after referred to as ‘South Africa’

of the other part,

together hereinafter referred to as ‘Contracting Parties’,

WHEREAS the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part (the ‘TDCA’), was signed in Pretoria on 11 October 1999 and entered into force on 1 May 2004;

WHEREAS the Treaty concerning the accession of the Republic of Croatia to the European Union was signed on 9 December 2011 and entered into force on 1 July 2013;

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Croatia hereby becomes Contracting Party to the TDCA and shall, in the same manner as the other Member States of the European Union, adopt and take note of the texts of the TDCA, including its Annexes and Protocols, and the Declarations attached to the Final Act.

CHAPTER I

AMENDMENTS TO THE TEXT OF THE TDCA, INCLUDING ITS ANNEXES AND PROTOCOLS

Article 2

Languages and number of originals

Article 108 of the TDCA shall be replaced by the following:

‘Article 108

This Agreement is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovenian, Slovak, Spanish and Swedish languages and the official languages of South Africa, other than English, namely Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, isiNdebele, isiXhosa and isiZulu, each of these texts being equally authentic.’

The European Union shall communicate to South Africa the Croatian language version of the Agreement.

Article 3

Rules of origin

Protocol 1 of the TDCA shall be amended as follows:

1. Article 16(4) shall be replaced by the following:
 4. EUR.1 movement certificates issued retrospectively must be endorsed with one of the following phrases:

BG “ИЗДАДЕН ВПОСЛЕДСТВИЕ”

ES “EXPEDIDO A POSTERIORI”

CS “VYSTAVENO DODATEČNĚ”

DA “UDSTEDT EFTERFØLGENDE”

DE “NACHTRÄGLICH AUSGESTELLT”

ET “TAGANTJÄRELE VÄLJA ANTUD”

EL “ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ”
EN “ISSUED RETROSPECTIVELY”
FR “DÉLIVRÉ A POSTERIORI”
HR “IZDANO NAKNADNO”
IT “RILASCIATO A POSTERIORI”
LV “IZSNIEGTS RETROSPEKTĪVI”
LT “RETROSPEKTYVUSIS IŠDAVIMAS”
HU “KIADVA VISSZAMENŐLEGES HATÁLLYAL”
MT “MAHRUĠ RETROSPETTIVAMENT”
NL “AFGEGEVEN A POSTERIORI”
PL “WYSTAWIONE RETROSPEKTYWNIĘ”
PT “EMITIDO A POSTERIORI”
RO “EMIS A POSTERIORI”
SL “IZDANO NAKNADNO”
SK “VYDANÉ DODATOČNE”
FI “ANNETTU JÄLKIKÄTEEN”
SV “UTFÄRDAT I EFTERHAND”;

2. Article 17(2) shall be replaced by the following:

‘2. The duplicate issued in this way must be endorsed with one of the following words:

BG “ДУБЛИКАТ”

ES “DUPLICADO”

CS “DUPLIKÁT”

DA “DUPLIKAT”

DE “DUPLIKAT”

ET “DUPLIKAAT”

EL “ΑΝΤΙΓΡΑΦΟ”

EN “DUPLICATE”

FR “DUPLICATA”
HR “DUPLIKAT”
IT “DUPLICATO”
LV “DUBLIKĀTS”
LT “DUBLIKATAS”
HU “MÁSODLAT”
MT “DUPLIKAT”
NL “DUPLICAAT”
PL “DUPLIKAT”
PT “SEGUNDA VIA”
RO “DUPLICAT”
SL “DVOJNIK”
SK “DUPLIKÁT”
FI “KAKSOISKAPPALE”
SV “DUPLIKAT”;

3. Annex IV shall be replaced by the following:

‘ANNEX IV

INVOICE DECLARATION

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № ... (1)) декларира, че освен където е отбелязано друго, тези продукти са с ... преференциален произход (2).

Spanish version

El exportador de los productos incluidos en el presente documento [autorización aduanera no ... (1)] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ... (2).

Croatian version

Izvoznik proizvoda obuhvaćenih ovom ispravom (carinsko ovlaštenje br ... (1)) izjavljuje da su, osim ako je drukčije izričito navedeno, ovi proizvodi ... (2) preferencijalnog podrijetla.

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ... (1)) prohlašuje, že kromě zřetelně označených mají tyto výrobky preferenční původ v ... (2).

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ... (1)), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ... (2).

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ... (1)) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ... (2) Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete ekspordija (tolliameti kinnitus nr ... (1)) deklareerib, et need tooted on ... (2) sooduspäritoluga, välja arvatud juhul, kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο [άδεια τελωνείου υπ' αριθ. ... (1)] δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής ... (2).

English version

The exporter of the products covered by this document (customs authorisation No ... (1)) declares that, except where otherwise clearly indicated, these products are of ... (2) preferential origin.

French version

L'exportateur des produits couverts par le présent document [autorisation douanière no ... (1)] déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... (2).

Italian version

L'esportatore delle merci contemplate nel presente documento [autorizzazione doganale n. ... (1)] dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ... (2).

Latvian version

Eksportētājs produktiem, kuri ietverti šajā dokumentā (muitas pilnvara Nr. ... (1)), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir priekšrocību izcelsme no ... (2).

Lithuanian version

Šiame dokumente išvardintų prekių eksportuotojas (muitinės liudijimo Nr ... (1)) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra (2) preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ... (1)) kijelentem, hogy eltérő egyértelmű jelzés hiányában az áruk preferenciális ... (2) származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id dokument (awtorizzazzjoni tad-dwana nru. ... (1)) jiddikjara li, hliief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ... (2).

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ... (1)), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn (2).

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ... (1)) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ... (2) preferencyjne pochodzenie.

Portuguese version

O abaixo assinado, exportador dos produtos abrangidos pelo presente documento [autorização aduaneira n.o ... (1)], declara que, salvo indicação expressa em contrário, estes produtos são de origem preferencial ... (2).

Romanian version

Exportatorul produselor ce fac obiectul acestei document (autorizația vamală nr. ... (1)) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială ... (2).

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št. ... (1)) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ... (2) poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ... (1)) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ... (2).

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ... (1)) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita (2).

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ... (1)) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung (2).

South African versions

Bagwebi ba go romela ntle ditöweletöwa töeo di akaretöwago ke tokumente ye (Nomoro ya ditöwantle ya tumelelo ... (1)) ba ipolela gore ntle le moo go laeditöwego, ditöweletöwa töe ke töa go töwa (2) ka tlhago.

Moromelli wa sehlahiswa ya sireleditsweng ke tokomane ena (tumello ya thepa naheng No ... (1)) e hlalosa hore, ka ntle ha eba ho hlalositse ka tsela e nngwe ka nepo, dihlahiswa tsena ke tsa ... tshimoloho e kgethilweng (2).

Moromelantle wa dikuno tse di tlhagelelang mo lokwalong le (lokwalo lwa tumelelo ya kgethiso No ... (1)) o tlhomamisa gore, ntle le fa go tlhagisitsweng ka mokgwa mongwe, dikuno tse ke tsa ... dinaga tse di thokegang (2).

Umtfumeli ngaphandle walemikhicito lebalwe kulomculu (ngeligunya lalokutfunyelwa ngaphandle Nombolo ... (1)) lophakamisa kutsi, ngaphandle kwalapho lekuboniswe khona ngalokucacile, lemikhicito ... ngeyenzabuko lebonelelwako (2).

Muvhambadzi wa zwibveledzwa mashangoni a nnda, (zwibveledzwa) zwine zwa vha zwo ambiwaho kha ili linwalo (linwalo la u neamaanda la mithelo ya zwitundwannda kana zwirumelwannda la vhu ... (1)), li khou buletshedza uri, nga nnda ha musu zwo ambiwa nga inwe ndila-vho, zwibveledzwa hezwi ndi zwa ... vhubwo hune ha khou funeswa kana u takaleleswa (2).

Muxavisela-vambe wa swikumiwa leswi nga eka tsalwa leri (Xibalo xa switundziwa xa Nomboro ... (1)) u boxa leswaku, handle ka laha swi kombisiweke, swikumiwa leswi i swa ntiyiso swa xilaveko xa le henhla swinene (2).

Die uitvoerder van die produkte gedek deur hierdie dokument (doeanemagtiging No ... (1)) verklaar dat, uitgesonderd waar andersins duidelik aangedui, hierdie produkte van ... voorkeuroorsprong (2) is.

Umtumelli-phandle wemikhiqizo ebalwe kilencwadi (inomboro ... (1)) egunyaza imikhiqizo ephumako) ubeka uthi, ngaphandle kobana kutjengiswe ngendlela ethileko butjhatjhalazi, lemikhiqizo ine ... mwelaphi enconyiswako (2).

Umtumeli weempahla ngaphandle kwelizwe wemveliso equkwa lolu xwebhu (iirhafu zempahla zesigunyaziso Nombolo ... (1)) ubhengeza ukuthi, ngaphandle kwalapho kuboniswe ngokucacileyo, ezi mveliso ... zezemvelaphi eyamkelekileyo kunezinye (2).

Umtumeli wempahla ebhaliwe kulo mqulu iNombolo ... yokugunyaza yentela yempahla ... (1) uyamemezela ukuthi, ngaphandle kokuthi kukhonjisiwe ngokusobala, le mikhiqizo iqhamuka ... endaweni ekhethekileyo (2).

..... (3)

(Place and date)

..... (4)

(Signature of the exporter; in addition, the name of the person signing the declaration has to be indicated in clear script) ’

- (1) When the invoice declaration is made out by an approved exporter within the meaning of Article 20 of the Protocol, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets will be omitted or the space left blank.
- (2) Origin of products to be indicated. When the invoice declaration relates in whole or in part to products originating in Ceuta and Melilla within the meaning of Article 36 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol “CM”.
- (3) These indications may be omitted if the information is contained in the document itself.
- (4) See Article 19(5) of the Protocol. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.’

CHAPTER II
TRANSITIONAL PROVISIONS

Article 4

Goods en route or in temporary storage

1. The provisions of the TDCA shall be applied to goods exported from either the Republic of South Africa to the Republic of Croatia or from the Republic of Croatia to the Republic of South Africa, which comply with the provisions of Protocol 1 to the TDCA and which on 1 July 2013 were either en route or in temporary storage, in a customs warehouse or in a free zone in South Africa or in Croatia.
2. Preferential treatment shall be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months of the date of entry into force of the Protocol, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

CHAPTER III
GENERAL AND FINAL PROVISIONS

Article 5

This Protocol shall form an integral part of the TDCA.

Article 6

1. This Protocol shall be approved by the European Union and by its Member States and by the Republic of South Africa in accordance with their respective internal procedures.
2. The Contracting Parties shall notify each other of the accomplishment of the corresponding procedures referred to in paragraph 1. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.
3. Pending entry into force of the Protocol, the Contracting Parties shall agree to provisionally apply this Protocol ten (10) days after the latter of the receipt of notification of provisional application from the European Union or ratification by the Republic of South Africa. Provisional application shall be notified to the Secretary-General of the Council of the European Union and to the Minister of Trade and Industry of the Republic of South Africa, or its successor.
4. Upon provisional application, all references in this Protocol to the 'entry into force' of this Protocol shall be deemed to refer to the date provisional application takes effect.

Article 7

1. This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

2. Notwithstanding paragraph 1, the Contracting Parties agree to apply Articles 3 and 4 of this Protocol with effect from 1 July 2013

Article 8

This Protocol is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovenian, Slovak, Spanish and Swedish languages and the official languages of South Africa, other than English, namely Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, isiNdebele, isiXhosa and isiZulu, each of these texts being equally authentic.