

**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 Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union**

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the 'Member States', represented by the Council of the European Union,

and

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

and

THE REPUBLIC OF SOUTH AFRICA,

together hereinafter referred to as 'Contracting Parties'

CONSIDERING THAT 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, (hereinafter referred to as the 'TDCA'), was signed in Pretoria on 11 October 1999 and entered into force on 1 May 2004;

CONSIDERING THAT the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union was signed in Athens on 16 April 2003 and entered into force on 1 May 2004;

CONSIDERING THAT, pursuant to Article 6(2) of the 2003 Act of Accession, the accession of the new Contracting Parties to the TDCA shall be agreed by the conclusion of a protocol to the TDCA,

HAVE AGREED AS FOLLOWS:

#### *Article 1*

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic (hereinafter referred to as 'the new Member States') hereby become Contracting Parties to the TDCA and shall respectively adopt and take note, in the same manner as the other Member States of the Community, of the texts of the Agreement, as well as of the Annexes, Protocols and Declarations attached thereto.

#### 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 is replaced by the following:

#### *'Article 108*

This Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, 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.'

#### *Article 3*

#### **Tariff quota**

In List 6 of Annex IV to the TDCA, the tariff quotas for global prepared fruit and for global mixed prepared fruit shall be increased by 1 225 tonnes and 340 tonnes, respectively.

#### *Article 4*

#### **Rules of origin**

Protocol 1 of the TDCA shall be amended as follows:

1. Article 16(4) shall be replaced by the following:

'4. Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

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"  
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"  
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:

ES "DUPLICADO"  
CS "DUPLIKÁT"  
DA "DUPLIKAT"  
DE "DUPLIKAT"  
ET "DUPLIKAAT"  
EL "ΑΝΤΙΓΡΑΦΟ"  
EN "DUPLICATE"  
FR "DUPLICATA"  
IT "DUPLICATO"  
LV "DUBLIKĀTS"  
LT "DUBLIKATAS"  
HU "MÁSODLAT"  
MT "DUPLIKAT"  
NL "DUPLICAAT"  
PL "DUPLIKAT"  
PT "SEGUNDA VIA"  
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.

*Spanish version*

El exportador de los productos incluidos en el presente documento [autorización aduanera n° ...<sup>(1)</sup>] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial. ...<sup>(2)</sup>.

*Czech version*

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

*Danish version*

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

*German version*

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

*Estonian version*

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

*Greek version*

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

*English version*

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

*French version*

L'exportateur des produits couverts par le présent document [autorisation douanière n° ...<sup>(1)</sup>] déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ...<sup>(2)</sup>.

*Italian version*

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

*Latvian version*

To produktu eksportētājs, kuri ietverti šajā dokumentā (muitas atļauja Nr. ...<sup>(1)</sup>), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir preferenciāla izcelsme no ...<sup>(2)</sup>.

*Lithuanian version*

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

*Hungarian version*

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: ...<sup>(1)</sup>) kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes ...<sup>(2)</sup> származásúak.

*Maltese version*

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

*Dutch version*

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

*Polish version*

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

*Portuguese version*

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

*Slovenian version*

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

*Slovak version*

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

*Finnish version*

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

*Swedish version*

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

*South African versions*

Bagwebi ba go romela ntle ditōweletōwa tōeo di akaretōwago ke tokumente ye (Nomoro ya ditōwantle ya tumelelo ...<sup>(1)</sup>) ba ipolela gore ntle le moo go laeditōwego, ditōweletōwa tōe ke tōa go tōwa <sup>(2)</sup> ka tlhago.

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

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

Umtfumeli ngaphandle walemikhicito lebalwe kulomculu (ngeligunya lalokutfunyelwa ngaphandle Nombolo ...<sup>(1)</sup>) lophakamisa kutsi, ngaphandle kwalapho lekuboniswe khona ngalokucacile, lemikhicito ... ngeyendzabuko lebonelelwako <sup>(2)</sup>.

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

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

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

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

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

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

.....<sup>(3)</sup>  
(Place and date)

.....<sup>(4)</sup>  
(Signature of the exporter; in addition, the name of the person signing the declaration has to be indicated in clear script)

<sup>(1)</sup> 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.

<sup>(2)</sup> 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".

<sup>(3)</sup> These indications may be omitted if the information is contained in the document itself.

<sup>(4)</sup> 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 5

#### Consultations

The Republic of South Africa undertakes that it shall not make any claim, request or referral nor modify or withdraw any concession pursuant to GATT Articles XXIV.6 and XXVIII in relation to the enlargement of the Community. Until the end of July 2004, the Community would, however, be willing to consider holding further consultations under Article 22(2) of the TDCA.

#### Article 6

#### Goods en route or in temporary storage

1. The provisions of the Agreement shall be applied to goods exported from either South Africa to one of the new Member States or from one of the new Member States to South Africa, which comply with the provisions of Protocol 1 to the TDCA and which on the date of accession are either en route or in temporary storage, in a customs warehouse or in a free zone in South Africa or in that new Member State.

2. Preferential treatment shall be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months from the date of accession, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

*Article 7***Quotas in 2004**

For the year 2004, the increases in the volumes of existing tariff quotas shall be calculated as a *pro rata* of the basic volumes, taking into account the part of the period elapsed before 1 May 2004.

## CHAPTER III

**GENERAL AND FINAL PROVISIONS***Article 8*

This Protocol shall form an integral part of the TDCA.

*Article 9*

1. This Protocol shall be approved by the Community, by the Council of the European Union on behalf of the Member States, and by the Republic of South Africa in accordance with their own 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.

*Article 10*

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. This Protocol shall apply provisionally as from 1 May 2004.

*Article 11*

This Protocol is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, 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.

*For the Member States*

*For the European Community*

*For the Republic of South Africa*

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