

PART V

GENERAL AND FINAL PROVISIONS

*Article 69***Modalities for the continuation of negotiations**

1. The EC Party and the Pacific States covered by this Agreement are committed to the continuation and successful conclusion of the currently ongoing negotiations for a comprehensive Economic Partnership Agreement (EPA) in line with the Cotonou Agreement and previous Ministerial Declarations and Conclusions, including all components and involving all interested countries in the Pacific region. They confirm their commitment to the objective of concluding those negotiations by 31 December 2008.

2. The Parties recognise that development cooperation will be a crucial element of the comprehensive EPA and an essential factor for the realisation of its objectives. They reaffirm their commitment to supporting the objective that development cooperation for regional economic cooperation and integration as provided for in the Cotonou Agreement shall be carried out so as to maximise the expected benefits of the comprehensive EPA.

3. The Parties note that this Interim Partnership Agreement does not predetermine the positions that the region will be taking in the negotiations for a comprehensive EPA on development cooperation. They agree that provisions on development cooperation will be finalised in the wider context of the Pacific ACP States as soon as possible. In the meantime, they further agree to cooperate closely at the national level within the framework of the existing structures as set out in the Cotonou Agreement to facilitate implementation and the realisation of benefits and maximise the synergies between development cooperation and the objectives of this Agreement.

4. The full Economic Partnership Agreement shall, upon its entry into force, replace this Agreement which will then cease to exist.

*Article 70***Definitions and fulfilment of obligations**

1. For the purposes of this Agreement the 'Contracting Parties' shall be the European Community, referred to as the 'EC Party', on the one part, and Papua New Guinea and the Republic of the Fiji Islands, referred to as the 'Pacific States', on the other part.

2. For the purposes of this Agreement:

(a) the term 'Parties' shall refer to the Pacific States listed in paragraph 1 acting collectively and the EC Party. The term 'Party' shall refer to the Pacific States listed in paragraph 1 acting collectively or the EC Party, as the case may be;

(b) the term 'Pacific States' shall refer to the Pacific States listed in paragraph 1 acting individually.

3. For the purposes of this Agreement, where applicable 'Small Island States' means the Cook Islands, Kiribati, Nauru, Niue, Palau, Republic of Marshall Islands and Tuvalu.

4. For the purposes of this Agreement, 'least developed country' means any Pacific State designated by the United Nations as a least developed country on the entry into force of this Agreement.

5. The Pacific States and the EC Party shall adopt any general or specific measures required for them to fulfil their obligations under this Agreement and shall ensure that they comply with the objectives laid down in this Agreement.

*Article 71***Coordinators and exchange of information**

1. In order to facilitate communication and to ensure the effective implementation of the Agreement the Parties shall designate a coordinator within a reasonable period of time after the provisional application of this Agreement. The designation of coordinators is without prejudice to the specific designation of competent authorities under specific Titles or Chapters of this Agreement.

2. On the request of the Parties, the coordinators shall indicate the office or official responsible for any matter pertaining to the implementation of this Agreement and provide the required support to facilitate communication with the requesting Party.

3. On request of the other Party, and to the extent legally possible, the Parties through their coordinators shall provide information and reply promptly to any question relating to an actual or proposed measure that might affect trade between the Parties.

4. The EC Party and the Pacific States shall ensure that their laws, regulations, procedures and administrative rulings of general application relating to any trade matter covered by this Agreement are promptly published or made publicly available, which may include making the information available on the official, publicly and fee-free accessible websites of the EC Party or Pacific States concerned. Such measures shall also be brought to the attention of the other Party.

5. Without prejudice to specific transparency provisions in this Agreement, the information referred to in paragraph 4 shall be considered to have been brought to the attention of the other Party when the information has been made available by appropriate notification to the WTO and to the coordinator of the Pacific States.

*Article 72***Regional preference**

1. Nothing in this Agreement shall oblige the EC Party or a Pacific State to extend to another Party to this Agreement any more favourable treatment applied by the EC Party or a Pacific State as part of its respective regional integration process.
2. Any more favourable treatment and advantage that may be granted under this Agreement by any Pacific State to the EC Party shall also be provided to all other Pacific States which are a Party to this Agreement.

*Article 73***Relations with the Cotonou Agreement**

1. With the exception of development cooperation provisions provided for in Title II of Part 3 of the Cotonou Agreement, in case of any inconsistency between the provisions of this Agreement and the provisions of Title II of Part 3 of the Cotonou Agreement, the provisions of this Agreement shall prevail.
2. Nothing in this Agreement shall be construed so as to prevent the application of all provisions of the Cotonou Agreement outside Title II of Part 3 and according to the procedures set by the said Agreement.

*Article 74***Relations with the WTO Agreement**

The EC Party and the Pacific States agree that nothing in this Agreement requires the EC Party or the Pacific States, where applicable, to act in a manner inconsistent with their existing WTO obligations.

*Article 75***Relationship with Other International Agreements**

Nothing in this Agreement shall be regarded as exempting any Party from its existing obligations, or abrogating the rights of any Party, under any existing international agreement, unless a contrary intention is expressly stated.

*Article 76***Entry into force and duration**

1. This Agreement shall enter into force on the first day of the month following the date on which the Contracting Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

2. Pending entry into force of the Agreement, the EC Party and Pacific States agree to provisionally apply the Agreement. Such application may be undertaken by provisional application pursuant to the laws of the EC Party and of the Pacific States or by ratification of the Agreement. The Agreement shall be applied provisionally 10 days after the Contracting Parties have notified each other in writing of the completion of the procedures necessary for this purpose.

3. Where a Pacific State accedes to this Agreement, the Agreement shall be applied provisionally in the same manner as foreseen in paragraph 2, once the EC Party and that Pacific State have given notice accordingly.

4. Notwithstanding paragraph 2, the EC Party and the Pacific States may take steps to apply the Agreement, before provisional application, to the extent feasible.

5. Any Party may give written notice to the other of its intention to denounce this Agreement.

6. Denunciation shall take effect twelve months after notification to the other Party.

*Article 77***Territorial application**

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community applies and under the conditions laid down in that Treaty, and, on the other hand, to the territories of the Pacific States. References in this Agreement to 'territory' shall be understood in this sense.

*Article 78***Revision clause**

The Trade Committee may review this Agreement, its implementation, operation and performance where necessary and make appropriate suggestions to the Parties for its amendment.

*Article 79***Outermost regions and the European Community**

Nothing in this Agreement shall prevent the EC Party from applying existing measures aimed at addressing the structural, social and economic situation of the outermost region pursuant to Article 299(2) of the Treaty establishing the European Community.

Article 80

Accession of the Pacific Islands

1. This Agreement shall remain open for accession of all Pacific Island States party to the Cotonou Agreement and Pacific Islands whose structural characteristics and economic and social situation are comparable to those of the countries which are Parties to the Cotonou Agreement on the basis of the submission of a GATT 1994 Article XXIV compliant market access offer. Any request for accession shall be presented to the Parties of this Agreement which will take a decision.

2. If the request is approved, the Pacific Island concerned shall accede to this Agreement by depositing an act of accession which shall be transmitted to the Contracting Parties.

Article 81

Authentic texts

This Agreement is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

Article 82

Annexes

The Annexes and Protocols to this Agreement shall form an integral part thereof.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

Съставено в Лондон на тридесети юли две хиляди и девета година

Hecho en Londres, el treinta de julio de dos mil nueve.

V Londýně dne třicátého července dva tisíce devět.

Udfærdiget i London den tredivte juli to tusind og ni.

Geschehen zu London am dreißigsten Juli zweitausendneun.

Kahe tuhande üheksanda aasta juulikuu kolmekümnenal päeval Londonis.

Έγινε στο Λονδίνο, στις τριάντα Ιουλίου δύο χιλιάδες εννιά.

Done at London on the thirtieth day of July in the year two thousand and nine.

Fait à Londres, le trente juillet deux mille neuf.

Fatto a Londra, addì trenta luglio duemilanove.

Londonā, divi tūkstoši devītā gada trīsdesmitajā jūlijā.

Priimta du tūkstančiai devintų metų liepos trisdešimtą dieną Londone.

Kelt Londonban, a kétezer-kilencedik év július harmincadik napján.

Magħmul f'Londra, fit-tletin jum ta' Lulju tas-sena elfejn u disgħa.

Gedaan te Londen, de dertigste juli tweeduizend negen.

Sporządzono w Londynie dnia trzydziestego lipca roku dwa tysiące dziewiątego.

Feito em Londres, em trinta de Julho de dois mil e nove.

Încheiat la Londra, la treizeci iulie două mii nouă.

V Londýne dňa tridsiateho júla dvetisícdeväť.

V Londonu, dne tridesetega julija leta dva tisoč devet.

Tehty Lontoossa kolmantenakymmenentenä päivänä heinäkuuta vuonna kaksituhattayhdeksän.

Som skedde i London den trettonde juli tjugohundranio.