

*Article 8***Cooperation with respect to financial adjustment**

1. The Parties recognise the challenge that the elimination or substantial reduction of custom duties provided for in this Agreement can pose to Ghana, and they agree to establish a dialogue and cooperation in this field.
2. In the light of the liberalisation schedule agreed by the Parties in this Agreement, the Parties agree to establish an in-depth dialogue on the fiscal adaptation measures to eventually ensure the budgetary balance of Ghana.
3. The Parties agree to cooperate, in the framework of the provisions of Article 4, notably through the facilitation of supporting measures in the following areas:
 - (a) contribution in significant proportions to the absorption of the net fiscal impact in full complementarity with fiscal reforms;
 - (b) support to fiscal reforms so as to accompany the dialogue in this area.

*Article 9***Cooperation in international fora**

The Parties shall endeavour to cooperate in all international fora where issues relevant to this partnership are discussed.

TITLE III

TRADE REGIME FOR GOODS

CHAPTER 1

Custom duties and non-tariff measures*Article 10***Customs duty**

1. A customs duty includes any duty or charge of any kind, including any form of surtax or surcharge, imposed on or in connection with the importation or exportation of goods, but does not include any:
 - (a) charges equivalent to internal taxes or other internal charges imposed consistently with Article 19;
 - (b) antidumping, countervailing or safeguards measure imposed consistently with Chapter 2;
 - (c) fees or other charges imposed consistently with Article 11.
2. For each product, the basic customs duty to which the successive reductions are to be applied shall be that specified in each Party's Tariff Schedule.

*Article 11***Fees and other charges**

1. The Parties reaffirm their commitment to respect the provisions of Article VIII of GATT 1994.
2. However, fees and other charges related to legal obligations existing at the signature of this Agreement, as referred to in Annex 3, shall continue to apply for a maximum period of ten years. This period may be extended by decision of the EPA Committee if this is necessary to respect these legal obligations.

*Article 12***Customs duties on products originating in Ghana**

Products originating in Ghana shall be imported in the EC Party free of customs duties, except for the products indicated, and under the conditions defined, in Annex 1.

*Article 13***Customs duties on products originating in the EC Party**

Customs duties on imports into Ghana of products originating in the EC Party shall be reduced or eliminated in accordance with the schedule of tariff liberalisation in Annex 2.

*Article 14***Rules of origin**

For the purposes of this Chapter, 'originating' applies to goods fulfilling the preferential rules of origin in force on 1 January 2008 between the Parties.

The Parties will establish a common and reciprocal regime governing rules of origin at the latest on 30 June 2008, that will enter into force not later than the first day of provisional application of this Agreement, based on the rules of origin as defined by the Cotonou Agreement and providing for the improvement while taking into account the development objectives of Ghana. This new regime will be annexed to this Agreement by the EPA Committee.

Not later than three years after the entry into force of this Agreement, the Parties will review the provisions in force governing rules of origin with the objective to simplify the concepts and methods used to determine the origin taking into account the development objectives of Ghana. Within this revision process, the Parties will take into account technological development, production processes and any other factor including the ongoing reforms with regard to rules of origin which might require amendment of the reciprocal negotiated regime. Any amendment or replacement will be made by decision of the EPA Committee.

*Article 15***Standstill**

1. Notwithstanding Articles 23 and 24, no new customs duty on imports shall be introduced on trade between the Parties and those currently applied on trade between the Parties shall not be increased as from the date of entry into force of this Agreement.

2. Notwithstanding paragraph 1, in the context of the finalisation of the implementation of the Economic Community of West African States (ECOWAS) common external tariff, Ghana may revise until 31 December 2011 its basic custom duties applying to goods originating in the European Community as long as the general incidence of those duties is not higher than the one of the duties specified in Annex 2.

*Article 16***Customs duties on exports**

No new customs duty on exports or equivalent charges shall be introduced on trade between the Parties, nor those currently applied increased as from the date of entry into force of this Agreement.

In exceptional circumstances, if the Ghanaian Party can demonstrate specific needs in terms of revenue, protection of infant industry or environment protection, temporary customs duties on exports or equivalent charges may be introduced, and the incidence of those existing could increase, after consultation of the EC Party, on a limited number of additional goods.

The Parties agree to revisit the provisions of this Article within the EPA Committee not later than three years after the date of entry into force of this Agreement, fully taking into consideration their impact on the development and economic diversification of the Ghanaian Party.

Article 17

More favourable treatment resulting from free trade agreements

1. With respect to matters covered by this Chapter, the EC Party shall accord to the Ghanaian Party any more favourable treatment applicable as a result of the EC Party becoming party to a free trade agreement with third parties after the signature of this Agreement.
2. With respect to the matters covered by this Chapter, the Ghanaian Party shall accord to the EC Party any more favourable treatment applicable as a result of the Ghanaian Party becoming party to a free trade agreement with any major trading partner after the signature of this Agreement.
3. If the Ghanaian Party obtains from a major trading partner a substantially more favourable treatment than the one offered by the EC Party, the Parties will enter into consultations and jointly decide on the implementation of the provisions of paragraph 2.
4. The provisions of this Chapter shall not be so construed as to oblige the Parties to extend reciprocally any preferential treatment applicable as a result of the one of them being party to a free trade agreement with third parties on the date of signature of this Agreement.
5. For the purposes of this Article, 'free trade agreement' means an agreement substantially liberalising trade and providing for the absence or elimination of substantially all discrimination between or among parties thereto through the elimination of existing discriminatory measures and/or the prohibition of new or more discriminatory measures, either at the entry into force of that agreement or on the basis of a reasonable time frame.
6. For the purposes of this Article, 'major trading partner' means any developed country, or any country accounting for a share of world merchandise exports above 1 percent in the year before the entry into force of the free trade agreement referred to in paragraph 2, or any group of countries acting individually, collectively or through a free trade agreement accounting collectively for a share of world merchandise exports above 1,5 percent in the year before the entry into force of the free trade agreement referred to in paragraph 2 ⁽¹⁾.

Article 18

Prohibition of quantitative restrictions

Notwithstanding the provisions of Articles 23, 24 and 25, all prohibitions or restrictions on import or export between the Parties, other than customs duties, taxes, fees and other charges provided for under Article 11, whether made effective through quotas, import or export licenses or other measures, shall be eliminated upon the entry into force of this Agreement. No new such measures shall be introduced.

Article 19

National treatment on internal taxation and regulation

1. Imported products originating in the other Party shall not be subject, either directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like national products. Moreover, the Parties shall not otherwise apply internal taxes or other internal charges so as to afford protection to national production.

⁽¹⁾ For this calculation official data by the WTO on leading exporters in world merchandise trade (excluding intra-EU trade) shall be used.

2. Imported products originating in the other Party shall be accorded treatment no less favourable than that accorded to like national products in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. The provisions of this paragraph shall not prevent the application of differential internal transportation charges which are based exclusively on the economic operation of the means of transport and not on the nationality of the product.
3. No Party shall establish or maintain any internal quantitative regulation relating to the mixture, processing or use of products in specified amounts or proportions which requires, directly or indirectly, that any specified amount or proportion of any product which is the subject of the regulation must be supplied from domestic sources. Moreover, no Party shall otherwise apply internal quantitative regulations so as to afford protection to national production.
4. The provisions of this Article shall not prevent the payment of subsidies exclusively to national producers, including payments to national producers derived from the proceeds of internal taxes or charges applied consistently with the provisions of this Article and subsidies effected through governmental purchases of national products or for their benefit.
5. The provisions of this Article shall not apply to laws, regulations, procedures or practices governing public procurement.
6. The provisions of this Article are without prejudice to the provisions of the Chapter of this Agreement on trade defence instruments.

Article 20

Food security

Where compliance with the provisions of this Agreement leads to problems with the availability of, or access to, foodstuffs or other products essential to ensure food security, and where this situation gives rise or is likely to give rise to major difficulties for the Ghanaian Party, it may take appropriate measures in accordance with the procedures laid down in Article 25.

Article 21

Special provisions on administrative cooperation

1. The Parties agree that administrative cooperation is essential for the implementation and the control of the preferential treatment granted under this Title and underline their commitment to combat irregularities and fraud in customs and related matters.
2. Where a Party has made a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud, the Party concerned may temporarily suspend the relevant preferential treatment of the product(s) concerned in accordance with this Article.
3. For the purpose of this Article a failure to provide administrative cooperation shall mean, *inter alia*:
 - (a) a repeated failure to respect the obligations to verify the originating status of the product(s) concerned;
 - (b) a repeated refusal or undue delay in carrying out and/or communicating the results of subsequent verification of the proof of origin;
 - (c) a repeated refusal or undue delay in obtaining authorisation to conduct administrative cooperation missions to verify the authenticity of documents or accuracy of information relevant to the granting of the preferential treatment in question.

For the purpose of this Article a finding of irregularities or fraud may be made, *inter alia*, where there is a rapid increase, without satisfactory explanation, in imports of goods exceeding the usual level of production and export capacity of the other Party, which is linked to objective information concerning irregularities or fraud.

4. The application of a temporary suspension shall be subject to the following conditions:
 - (a) The Party which has made a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud shall without undue delay notify the EPA Committee of its finding together with the objective information and enter into consultations within the EPA Committee, on the basis of all relevant information and objective findings, with a view to reaching a solution acceptable to both Parties;
 - (b) Where the Parties have entered into consultations within the EPA Committee as above and have failed to agree on an acceptable solution within three months following the notification, the Party concerned may temporarily suspend the relevant preferential treatment of the product(s) concerned. A temporary suspension shall be notified to the EPA Committee without undue delay;
 - (c) Temporary suspensions under this Article shall be limited to that necessary to protect the financial interests of the Party concerned. They shall not exceed a period of six months, which may be renewed. Temporary suspensions shall be notified immediately after their adoption to the EPA Committee. They shall be subject to periodic consultations within the EPA Committee in particular with a view to their termination as soon as the conditions for their application are no longer met.
5. At the same time as the notification to the EPA Committee under paragraph 4(a), the Party concerned should publish a notice to importers in its Official Journal. The notice to importers should indicate for the product concerned that there is a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud.

Article 22

Management of administrative errors

In case of error by the competent authorities in the proper management of the preferential system of export, and in particular in the application of the provisions concerning the definition of the concept of 'originating products' and methods of administrative cooperation, where this error leads to consequences in terms of import duties, the Party facing such consequences may request the EPA Committee to examine the possibilities of adopting all appropriate measures with a view to resolving the situation.

CHAPTER 2

Trade defence measures

Article 23

Anti-dumping and countervailing measures

1. Subject to the provisions of this Article, nothing in this Agreement shall prevent the EC Party or the Ghanaian Party from adopting anti-dumping or countervailing measures in accordance with the relevant WTO agreements. For the purpose of this Article, origin shall be determined in accordance with the non-preferential rules of origin of the Parties.
2. Before imposing definitive anti-dumping or countervailing duties the Parties shall consider the possibility of constructive remedies as provided for in the relevant WTO agreements. To this end, the Parties may hold appropriate consultations.
3. The EC Party shall notify the Ghanaian Party of the receipt of a properly documented complaint before initiating any investigation.
4. The provisions of this Article shall be applicable in all investigations initiated after this Agreement enters into force.
5. The provisions of this Article shall not be subject to the Dispute Settlement provisions of this Agreement.

*Article 24***Multilateral safeguards**

1. Subject to the provisions of this Article, nothing in this Agreement shall prevent the Ghanaian Party and the EC Party from adopting measures in accordance with Article XIX of the GATT 1994, the WTO Agreement on Safeguards, and Article 5 of the WTO Agreement on Agriculture. For the purpose of this Article, origin shall be determined in accordance with the non-preferential rules of origin of the Parties.
2. Notwithstanding paragraph 1, the EC Party shall, in the light of the overall development objectives of this Agreement and the small size of the economy of Ghana, exclude imports from Ghana from any measures taken pursuant to Article XIX of the GATT 1994, the WTO Agreement on Safeguards and Article 5 of the WTO Agreement on Agriculture.
3. The provisions of paragraph 2 shall apply for a period of five years, beginning on the date of entry into force of the Agreement. Not later than 120 days before the end of this period, the EPA Committee shall review the operation of those provisions in the light of the development needs of the Ghanaian Party, with a view to determining whether to extend their application for a further period.
4. The provisions of paragraph 1 shall not be subject to the Dispute Settlement provisions of this Agreement.

*Article 25***Bilateral safeguards**

1. After having examined alternative solutions, a Party may apply safeguard measures of limited duration which derogate from the provisions of Articles 12 and 13 of Chapter 1, under the conditions and in accordance with the procedures laid down in this Article.
2. Safeguard measures referred to in paragraph 1 may be taken where a product originating in one Party is being imported into the territory of the other Party in such increased quantities and under such conditions as to cause or threaten to cause:
 - (a) serious injury to the domestic industry producing like or directly competitive products in the territory of the importing Party, or
 - (b) disturbances in a sector of the economy, particularly where these disturbances produce major social problems, or difficulties which could bring about serious deterioration in the economic situation of the importing Party; or
 - (c) disturbances in the markets of like or directly competitive agricultural products ⁽¹⁾ or mechanisms regulating those markets.
3. Safeguard measures referred to in this Article shall not exceed what is necessary to remedy or prevent the serious injury or disturbances, as defined in paragraphs 2, 4 and 5(b). Those safeguard measures of the importing Party may only consist of one or more of the following:
 - (a) suspension of the further reduction of the rate of import duty for the product concerned, as provided for under this Agreement;
 - (b) increase in the customs duty on the product concerned up to a level which does not exceed the customs duty applied to other WTO Members; and
 - (c) introduction of tariff quotas on the product concerned.
4. Without prejudice to paragraphs 1, 2 and 3, where any product originating in Ghana is being imported in such increased quantities and under such conditions as to cause or threaten to cause one of the situations referred to under paragraph 2(a), (b) and (c) to one or several of the EC Party's outermost regions, the EC Party may take surveillance or safeguard measures limited to the region or regions concerned in accordance with the procedures laid down in paragraphs 6 to 9.

⁽¹⁾ For the purpose of this Article agricultural products are those covered by Annex I of the WTO Agreement on Agriculture.

5. (a) Without prejudice to paragraphs 1, 2 and 3, where any product originating in the EC Party is being imported in such increased quantities and under such conditions as to cause or threaten to cause one of the situations referred to under paragraph 2(a), (b) and (c), the Ghanaian Party may take surveillance or safeguard measures limited to its territory in accordance with the procedures laid down in paragraphs 6 to 9;
- (b) The Ghanaian Party may take safeguard measures where a product originating in the EC Party as a result of the reduction of duties is being imported into its territory in such increased quantities and under such conditions as to cause or threaten to cause disturbances to an infant industry producing like or directly competitive products. Such provision is only applicable for a period of ten years from the date of entry into force of this Agreement. Measures must be taken in accordance with the provisions of paragraphs 6 to 9.

However, if agreed by both Parties, this period may be extended if, despite the industrial development potential and the efforts actually undertaken, this objective has not been achieved due to the world economic situation or serious troubles affecting Ghana.

6. (a) Safeguard measures referred to in this Article shall only be maintained for such a time as may be necessary to prevent or remedy serious injury or disturbances as defined in paragraphs 2, 4 and 5;
- (b) Safeguard measures referred to in this Article shall not be applied for a period exceeding two years. Where the circumstances warranting imposition of safeguard measures continue to exist, such measures may be extended for a further period of no more than two years. Where Ghana applies a safeguard measure, or where the EC Party applies a measure limited to the territory of one or more of its outermost regions, such measure may however be applied for a period not exceeding four years and, where the circumstances warranting imposition of safeguard measures continue to exist, extended for a further period of four years;
- (c) Safeguard measures referred to in this Article that exceed one year shall contain clear elements progressively leading to the elimination of the causes and measures at the end of the set period, at the latest;
- (d) Except in exceptional circumstances submitted for the approval of the EPA Committee, no safeguard measure referred to in this Article shall be applied to the import of a product that has previously been subject to such a measure, for a period of at least one year from the expiry of the measure.

7. For the implementation of the above paragraphs, the following provisions shall apply:

- (a) Where a Party takes the view that one of the circumstances set out in paragraphs 2, 4 and/or 5 exists, it shall immediately refer the matter to the EPA Committee for examination;
- (b) The EPA Committee may make any recommendation needed to remedy the circumstances which have arisen. If no recommendation has been made by the EPA Committee aimed at remedying the circumstances, or no other satisfactory solution has been reached within 30 days of the matter being referred to the EPA Committee, the importing Party may adopt the appropriate measures to remedy the circumstances in accordance with this Article;
- (c) Before taking any measure provided for in this Article or, in the cases to which paragraph 8 applies, as soon as possible, Ghana shall supply the EPA Committee with all relevant information required for a thorough examination of the situation, with a view to seeking a solution acceptable to the Parties concerned;
- (d) In the selection of safeguard measures pursuant to this Article, priority must be given to those which permit to correct efficiently and quickly the problem in question while disturbing to the least extent possible the good operation of this Agreement;
- (e) Any safeguard measure taken pursuant to this Article shall be notified immediately to the EPA Committee and shall be the subject of periodic consultations within that body, particularly with a view to establishing a timetable for their abolition as soon as circumstances permit.

8. Where exceptional circumstances require immediate action, the importing Party concerned, whether the EC Party or the Ghanaian Party as the case may be, may take the measures provided for in paragraphs 3, 4 and/or 5 on a provisional basis without complying with the requirements of paragraph 7. Such action may be taken for a maximum period of 180 days where measures are taken by the EC Party and 200 days where measures are taken by the Ghanaian Party, or where measures taken by the EC Party are limited to the territory of one or more of its outermost regions. The duration of any such provisional measure shall be counted as a part of the initial period and any extension referred to in

paragraph 6. In the taking of such provisional measures, the interest of all Parties involved shall be taken into account. The importing Party concerned shall inform the other Party concerned and it shall immediately refer the matter to the EPA Committee for examination.

9. If an importing Party subjects imports of a product to an administrative procedure having as its purpose the rapid provision of information on the trend of trade flows liable to give rise to the problems referred to in this Article, it shall inform the EPA Committee without delay.

10. The WTO Agreements shall not be invoked to preclude a Party from adopting safeguard measures in conformity with this Article.

Article 26

Cooperation

1. The Parties recognise the importance of cooperation in the field of trade defence measures.
2. The Parties agree to cooperate, in accordance with the provisions of Article 4, including by facilitating assistance measures, notably in the following fields:
 - (a) development of regulation and institutions to ensure trade defence;
 - (b) capacity building for the use of trade defence measures provided for by the present Agreement.

CHAPTER 3

Customs and trade facilitation

Article 27

Objectives

1. The Parties acknowledge the importance of customs and trade facilitation matters in the evolving global trading environment. The Parties agree to reinforce cooperation in this area with a view to ensuring that the relevant legislation and procedures, as well as the administrative capacity of the relevant administrations, fulfil the objectives of effective control and the promotion of trade facilitation, and help promote the development and regional integration of signatory countries.
2. The Parties recognise that legitimate public policy objectives, including in relation to security and the prevention of fraud, shall not be compromised in any way.
3. The Parties undertake to ensure the free circulation of goods covered by this Agreement, within their respective territories.

Article 28

Customs and administrative cooperation

1. In order to ensure compliance with the provisions of this Title, and effectively to respond to the objectives laid down in Article 27, the Parties shall:
 - (a) exchange information concerning customs legislation and procedures;

- (b) develop joint initiatives relating to import, export and transit procedures, as well as towards ensuring an effective service to the business community;
 - (c) cooperate on the automation of customs and other trade procedures and collaborate, where appropriate towards the establishment of common standards for the exchange of data;
 - (d) establish as far as possible, common positions in international organisations in the field of customs such as the WTO, the World Customs Organization (WCO), the United Nations (UN) and the United Nations Conference on Trade and Development (UNCTAD);
 - (e) cooperate in the planning and delivery of technical assistance, notably to facilitate customs and Trade Facilitation reforms in line with the provisions of this Agreement; and
 - (f) promote coordination between all related agencies, both internally and across borders.
2. Notwithstanding paragraph 1, the administrations of both Parties shall provide mutual administrative assistance in customs matters in accordance with the provisions of Protocol on mutual administrative assistance in customs matters.

Article 29

Customs legislation and procedures

1. The Parties agree that their respective trade and customs legislation, provisions and procedures shall be based upon the international instruments and standards applicable in the field of customs and trade, including the substantive elements of the revised Kyoto Convention on the simplification and harmonisation of customs procedures, the WCO Framework of Standards to Secure and Facilitate Global Trade, the WCO data set and the Harmonised Commodity Description and Coding System ('HS').

The Parties shall ensure freedom of transit through their territory via the route most convenient for transit.

Any restrictions, controls or requirements must pursue a legitimate public policy objective, be non-discriminatory, be proportionate and be applied uniformly.

Without prejudice to legitimate customs control and supervision of goods in transit, the Parties shall accord to traffic in transit to or from the territory of any Party, treatment not less favourable than that accorded to domestic goods, exports and imports, and their movement.

The Parties shall operate bonded transport regimes that allow the transit of goods without payment of customs duties or other charges subject to the provision of an appropriate guarantee.

The Parties shall promote and implement regional transit arrangements with a view to reducing trade barriers.

The Parties shall draw upon and use international standards and instruments relevant to transit.

The Parties shall ensure cooperation and coordination between all concerned authorities and agencies in their territory to facilitate traffic in transit and promote cooperation across borders.

2. In order to improve working methods, as well as to ensure non-discrimination, transparency, efficiency, integrity and accountability of operations, the Parties shall:

- (a) take further steps towards the reduction, simplification and standardisation of data and documentation required by customs and other agencies;
- (b) simplify requirements and formalities wherever possible, in respect of the rapid release and clearance of goods;

- (c) provide effective, prompt and non-discriminatory procedures enabling the right of appeal, against customs and other agency administrative actions, rulings and decisions affecting imports, exports or goods in transit. Procedures for appeal shall be easily accessible, including to small or medium enterprises and any costs shall be reasonable and commensurate with the costs in providing for appeals;
- (d) ensure that the highest standards of integrity be maintained, through the application of measures reflecting the principles of the relevant international conventions and instruments in this field.

Article 30

Relations with the Business Community

The Parties agree:

- (a) to ensure that all legislation, procedures and fees and charges are made publicly available, as far as possible through electronic means, together with the justification for them;
- (b) on the need for timely and regular consultation with trade representatives on legislative proposals and procedures related to customs and trade issues. To this end, appropriate and regular consultation mechanisms between administrations and the business community, shall be established by each Party;
- (c) there should be a reasonable time period between the publication of new or amended legislation, procedures and fees or charges and their entry into force.

The Parties shall make publicly available relevant notices of an administrative nature, including agency requirements and entry procedures, hours of operation and operating procedures for customs offices at ports and border crossing points, and points of contact for information enquiries;

- (d) to foster cooperation between operators and competent administrations via the use of non-arbitrary and publicly accessible procedures, such as Memoranda of Understanding, based on those promulgated by the WCO;
- (e) to ensure that their respective customs and related requirements and procedures continue to meet the needs of the trading community, follow best practices, and remain as little trade-restrictive as possible.

Article 31

Customs valuation

1. Article VII of the GATT 1994 and the Agreement on the Implementation of Article VII of the GATT 1994 shall govern customs valuation rules applied to reciprocal trade between the Parties.
2. The Parties shall cooperate with a view to reaching a common approach to issues relating to customs valuation.

Article 32

Regional integration in the West Africa region

The Parties agree to facilitate progress of custom reforms within the West Africa region.

Article 33

Continuation of negotiations in the field of customs and trade facilitation

Within the negotiations of a full EPA, the Parties agree to continue negotiations on this chapter in order to complement it in a regional framework.

*Article 34***Special committee for customs and trade facilitation**

Within the EPA Committee, the Parties will set up a Special Committee on customs and trade facilitation, comprising representatives of the Parties. This committee will report to the EPA Committee. It will discuss all customs issues meant to facilitate trade between the Parties and monitor the implementation and the application of this Chapter as well as the operation of rules of origin.

*Article 35***Cooperation**

1. The Parties recognise the importance of cooperation as regards customs and trade facilitation measures for the implementation of this Agreement.
2. The Parties agree to cooperate, in accordance with the provisions of Article 4, including by facilitating support, notably in the following areas:
 - (a) elaboration of appropriate simplified legal and regulatory provisions;
 - (b) information and sensitisation of operators, including training of staff concerned;
 - (c) capacity-building, modernisation and interconnection of custom administrations.

*CHAPTER 4****Technical Barriers to Trade and Sanitary and Phytosanitary Measures****Article 36***Multilateral obligations and general context**

The Parties reaffirm their rights and obligations under the WTO Agreements and, in particular, the WTO Agreements on Sanitary and Phytosanitary Measures (hereinafter referred to as the 'WTO SPS Agreement') and on Technical Barriers to Trade (hereinafter referred to as the 'WTO TBT Agreement'). The Parties also reaffirm their rights and obligations under the International Plant Protection Convention (IPPC), CODEX Alimentarius and the World Organisation for Animal Health (OIE).

The Parties reaffirm their commitment to enhance public health in Ghana, in particular through the strengthening of capacities to identify non-compliant products.

These commitments, rights and obligations shall underline the activities of the Parties under this Chapter.

*Article 37***Objectives**

The objectives of this Chapter are to facilitate trade in goods between the Parties, to increase the capacity of the Parties to identify, prevent and eliminate unnecessary obstacles to trade between the Parties as a result of technical regulations, standards and conformity assessment procedures applied by either Party while not affecting the capacity of the Parties to protect public, plant and animal health.

*Article 38***Scope and definitions**

1. The provisions of this Chapter shall apply to technical regulations, standards and conformity assessment procedures as defined in the WTO TBT Agreement and to sanitary and phytosanitary measures (hereinafter referred to as 'SPS measures') as defined in the WTO SPS Agreement, in so far as they affect trade between the Parties.
2. For the purposes of this Chapter, unless specified otherwise, the definitions used by the WTO TBT Agreement and WTO SPS Agreement, the CODEX Alimentarius, the IPPC and the OIE shall apply, including where reference is made to 'products' in this Chapter.

*Article 39***Competent authorities**

The Competent Authorities of the Parties for the implementation of the measures referred to in this Chapter are described in Appendix II.

The Parties shall, in accordance with Article 41, inform each other of any significant changes to the competent authorities listed in Appendix II. In such a case, the EPA Committee will adopt an amendment to Appendix II.

*Article 40***Sanitary and phytosanitary zoning**

In respect of import conditions, the Parties may propose and identify on a case-by-case basis zones of defined sanitary and phytosanitary status, taking into account Article 6 of the WTO SPS Agreement.

*Article 41***Transparency of trade conditions and Information Exchange**

1. The Parties shall inform each other of any changes to their technical import requirements for products (including live animals and plants).
2. The Parties agree to inform each other in writing of measures taken to prohibit the importation of any good to address a problem relating to health (public, animal or plant health), safety and the environment as soon as possible in accordance with SPS recommendations.
3. The Parties agree to exchange information with a view to collaborating so that their products meet technical regulations and standards required to access their respective markets.
4. The Parties shall also directly exchange information on other topics agreed by both Parties to be of potential importance for their trade relations, including food safety issues, animal and plant disease outbreaks, scientific opinions and other significant product safety related events. In particular, the Parties undertake to inform each other when applying the principle of sanitary and phytosanitary zoning as set out in Article 6 of the WTO SPS Agreement.
5. The Parties agree to exchange information in epidemiological surveillance on animal disease. Also in the domain of plant health, the Parties will exchange information on the occurrence of pests of known and immediate danger to the other Party.

6. The Parties agree to cooperate with a view to alerting each other early when new regional rules might impact trade between them.

Article 42

Cooperation in international bodies

The Parties agree to cooperate in international standard setting bodies, including by facilitating the participation by representatives of the Ghanaian Party in the meeting of these bodies.

Article 43

Cooperation

1. The Parties recognise the importance of cooperation in the areas of technical regulations, standards and conformity assessment as well as regards sanitary and phytosanitary measures for the implementation of this Agreement.
2. The Parties agree to cooperate, in accordance with the provisions of Article 4, with the aim of improving the quality and the competitiveness of priority products for Ghana and access to the EC market, including by facilitating support, notably financially, in the following areas:
 - (a) Set-up of an appropriate framework for the exchange of information and expertise among the Parties;
 - (b) Adoption of technical standards and regulations, conformity assessment procedures, and harmonised sanitary and phytosanitary measures at regional level, based on relevant international standards;
 - (c) Building the capacity of the public and private actors, including information and training, with the aim of helping exporters to conform to EC rules and standards, and of participating in international organisations;
 - (d) Development of national capacities for the assessment of product compliance and access to the EC market.

TITLE IV

SERVICES, INVESTMENT AND TRADE RELATED RULES

Article 44

Building on the Cotonou Agreement, the Parties will cooperate to facilitate all the necessary measures leading to the conclusion as soon as possible of a global EPA between the whole West Africa region and the EC in the following:

- (a) trade in services and electronic commerce;
- (b) investments;
- (c) competition;
- (d) intellectual property.

The Parties will take all necessary measures to endeavour to conclude a global EPA between the West Africa region and the EC before the end of 2008.

On these issues, as well as on any other issues the Parties may agree on, the Parties support the negotiations of the global EPA on the basis of the EC-West Africa Road Map and subsequent developments since its adoption. They welcome a two-step approach starting first with formulating and implementing regional policies and building regional capacity, and in a second step, deepening the EC-West Africa trade provisions mutually agreed on concerning these issues.