EC/South Africa agreement: additional protocol to the Agreement on Trade, Development and Cooperation TDCA; accession of Bulgaria and Romania to the EU

2008/0212(AVC) - 06/04/2009 - Final act

PURPOSE: to conclude the Additional Protocol to the Agreement on Trade, Development and Cooperation between the European Union and South Africa to take account of the accession of the Republic of Bulgaria and Romania to the European Union.

LEGISLATIVE ACT: Council Decision 2009/484/EC.

CONTENT: following a first reading agreement with the European Parliament, the Council adopted a decision approving an additional protocol to the agreement on trade, development and cooperation with South Africa, to take account of the accession of Bulgaria and Romania to the EU.

To recall, Bulgaria and Romania acceded to the EU on 1 January 2007. Under the Act of Accession, the accession of new Member States to the Agreement on Trade, Development and Cooperation (TDCA) with South Africa must be approved by concluding a protocol to that Agreement. Article 6(2) provides for a simplified procedure whereby such protocols are to be concluded by the Council, acting unanimously on behalf of the Member States, and the third country concerned.

Consequently, the Commission has negotiated this Additional Protocol, for the EC part on behalf of the European Community, and for the national competence part on behalf of the Member States, on the basis of the negotiating directives adopted by the Council on 23 October 2006, and in consultation with a committee of representatives of the Member States.

The Additional Protocol provides for the necessary technical adaptations of the TDCA ensuing from the accession of the new contracting parties, in particular regarding:

- **institutional provisions**: the protocol includes a number of adjustments brought about by the accession of the new Member States to this mixed agreement and an increase in the number of official languages;
- **rules of origin**: the multilingual provisions in Protocol 1 to the TDCA concerning the definition of the concept of “originating products” and methods of administrative cooperation have been amended to include the languages of the new Member States.

The TDCA provides for trade liberalisation between the European Community and South Africa, which in some cases is limited to tariff quotas. These tariff quotas have been reviewed on the basis of traditional trade between the new Member States, on the one hand, and South Africa, on the other. Trade flows were found to be insignificant and no adjustments to the tariff quotas were required.

ENTRY INTO FORCE: the Protocol shall enter into force as soon as all the necessary procedures have been completed.