

# ACP-EC COTONOU AGREEMENT

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**AFRICAN, CARIBBEAN AND  
PACIFIC GROUP OF STATES**

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**COUNCIL OF  
THE EUROPEAN UNION**

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**Brussels, 20 December 2007**

**ACP/21/003/07**

**ACP-CE 2124/07**

## **ACP-EC DECISION**

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Subject : Decision No 4/2007 of the ACP EC Council of Ministers of 20 December 2007  
amending Protocol No 3 on South Africa to the ACP EC Partnership Agreement

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**Decision No 4/2007 of the ACP-EC Council of Ministers**

**of 20 December 2007**

**amending Protocol No 3 on South Africa  
to the ACP-EC Partnership Agreement**

THE ACP-EC COUNCIL OF MINISTERS,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States ("the ACP") of the one part, and the European Community and its Member States, of the other part, signed in Cotonou (Benin) on 23 June 2000<sup>1</sup>, as revised by the Agreement<sup>2</sup> amending the said ACP-EC Partnership Agreement, signed in Luxembourg on 25 June 2005, and in particular Protocol No 3 on South Africa thereto,

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<sup>1</sup> OJ L 317, 15.12.2000, p. 3.

<sup>2</sup> OJ L 209, 11.8.2005, p. 27. Agreement provisionally applied pursuant to Decision No 5/2005 (OJ L 287, 28.10.2005, p. 1).

Whereas:

- (1) Article 5 of Protocol No 3 to the ACP-EC Partnership Agreement lays down that the provisions of the Agreement on economic and trade cooperation do not apply to South Africa.
- (2) On 7 March 2006, the group of ACP countries, members of the Southern African Development Community (SADC) negotiating an Economic Partnership Agreement (EPA) with the European Community, have requested that South Africa should be associated as a full member of that negotiation and the Council of Ministers has agreed to the request, subject to certain conditions, on 12 February 2007.
- (3) The EPA negotiations are based on the economic and trade provisions of the ACP-EC Partnership Agreement, in particular Articles 36 and 37 thereof.
- (4) For reasons of legal clarity it is necessary to amend Protocol No 3 with a view to taking into account the full inclusion of South Africa in the EPA negotiations and its eventual accession to the EPA.
- (5) Protocol No 3 may be revised, in accordance with Article 7 thereof, by decision of the Council of Ministers,

HAS DECIDED AS FOLLOWS:

*Article 1*

In Article 5 of Protocol No 3 to the ACP-EC Partnership Agreement the following paragraph shall be added:

"3. This Protocol shall not prevent South Africa from negotiating and signing one of the Economic Partnership Agreements (EPA) provided for in Part 3, Title II of this Agreement if the other parties to that EPA so agree."

*Article 2*

This Decision shall enter into force on the day on which it is adopted.

Done at Brussels, 20 December 2007.

*The Chairman  
of the ACP-EC Committee of Ambassadors by delegation,  
for the ACP-EC Council of Ministers*

*Álvaro MENDONÇA E MOURA*

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