

FINAL ACT

The plenipotentiaries of:

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Contracting Parties to the Treaty establishing the European Community, the Treaty establishing the European Atomic Energy Community, and the Treaty on European Union, hereinafter referred to as "the Member States", and of

the EUROPEAN COMMUNITY and the EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as "the Community"

of the one part, and

the plenipotentiaries of BOSNIA AND HERZEGOVINA,

of the other part,

meeting in [...] on the [...] for the signature of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, hereinafter referred to as "this Agreement", have adopted the following texts:

this Agreement and its Annexes I to VII, namely:

- Annex I (Article 21) – Tariff concessions of Bosnia and Herzegovina for Community industrial products

- Annex II (Article 27(2)) – Definition of "baby beef" products
- Annex III (Article 27) – Tariff concessions of Bosnia and Herzegovina for agricultural primary products originating in the Community
- Annex IV (Article 28) – Duties applicable to goods originating in Bosnia and Herzegovina on import into the Community
- Annex V (Article 28) – Duties applicable to goods originating in the Community on import into Bosnia and Herzegovina
- Annex VI (Article 50) – Establishment: Financial Services
- Annex VII (Article 73) – Intellectual, industrial and commercial property rights

and the following Protocols:

- Protocol 1 (Article 25) – On trade between the Community and Bosnia and Herzegovina in processed agricultural products
- Protocol 2 (Article 42) – Concerning the definition of the concept of "originating products" and methods of administrative cooperation for the application of the provisions of this Agreement between the Community and Bosnia and Herzegovina
- Protocol 3 (Article 59) – On land transport

- Protocol 4 (Article 71) – On State aid to the steel industry
- Protocol 5 (Article 97) – On mutual administrative assistance in customs matters
- Protocol 6 (Article 126) – Dispute settlement
- Protocol 7 (Article 27) – On reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine, spirit drinks and aromatised wine names

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of Bosnia and Herzegovina have adopted the texts of the joint declarations listed below and annexed to this Final Act:

- Joint Declaration on Articles 51 and 61

- Joint Declaration on Article 73.

The plenipotentiaries of Bosnia and Herzegovina have taken note of the declaration listed below and annexed to this Final Act:

- Declaration by the Community concerning the exceptional trade measures granted by the Community on the basis of Regulation (EC) No 2007/2000.

JOINT DECLARATIONS

Joint Declaration on Articles 51 and 61

The Parties agree that this Agreement shall in no way prejudice the rules of Bosnia Herzegovina governing the system of property ownership.

The Parties further agree that for the purpose of this Agreement, the provisions of Articles 51 and 61 do not preclude Bosnia and Herzegovina from implementing the limitations on the acquisition of or use of ownership rights over real estate on the grounds of public policy, public security and public health, provided that those limitations apply without discrimination to both Bosnia Herzegovina and Community companies and nationals.

Joint Declaration on Article 73

The Parties agree that for the purpose of this Agreement, intellectual and industrial property includes in particular copyright, including the copyright in computer programmes, and neighbouring rights, the rights relating to databases, patents including supplementary protection certificates, industrial designs, trademarks and service marks, topographies of integrated circuits, geographical indications, including appellation of origins, and plant variety rights.

The protection of commercial property rights includes in particular the protection against unfair competition as referred to in Article 10bis of the Paris Convention for the Protection of Industrial Property and the protection of undisclosed information as referred to in Article 39 of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement).

The Parties further agree that the level of protection referred to in Article 73(3) of this Agreement shall include the availability of the measures, procedures and remedies provided for in Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights ¹.

¹ OJ L 157, 30.4.2004, p. 45.

Declaration by the Community

Declaration by the Community concerning the exceptional trade measures granted by the Community on the basis of Regulation (EC) No 2007/2000

Considering that exceptional trade measures are granted by the Community to countries participating or linked to the EU Stabilisation and Association Process including Bosnia and Herzegovina on the basis of Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process¹, the Community declares:

- that, in application of Article 34 of this Agreement, those of the unilateral autonomous trade measures which are more favourable will apply in addition to the contractual trade concessions offered by the Community in this Agreement as long as Regulation (EC) No 2007/2000 applies;
- that, in particular, for the products covered by Chapters 7 and 8 of the Combined Nomenclature, for which the Common Customs Tariff provides for the application of *ad valorem* customs duties and a specific customs duty, the reduction shall apply also to the specific customs duty in derogation from the relevant provision of Article 28(2) of this Agreement.

¹ OJ L 240, 23.9.2000, p. 1. Regulation as last amended by Regulation (EC) No 530/2007 (OJ L 125, 15.5.2007, p. 1).