

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 the THE REPUBLIC OF SERBIA,

hereinafter referred to as "Serbia",

of the other part,

meeting in Luxembourg on the twenty-ninth day of April in the year two thousand and eight for the signature of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Serbia, 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) – Serbian tariff concessions for Community industrial products

Annex II (Article 26) – Definition of "baby beef" products

Annex III (Article 27) – Serbian tariff concessions for Community agricultural products

Annex IV (Article 29) – Community concessions for Serbian fishery products

Annex V (Article 30) – Serbian concessions for Community fishery products

Annex VI (Article 52) – Establishment: "financial services"

Annex VII (Article 75) – Intellectual, industrial and commercial property rights

and the following Protocols:

Protocol 1 (Article 25) – Trade on processed agricultural products

Protocol 2 (Article 28) – Wine and spirit drinks

Protocol 3 (Article 44) – Definition of the concept of originating products and methods of administrative cooperation

Protocol 4 (Article 61) – Land transport

Protocol 5 (Article 73) – State aid to the steel industry

Protocol 6 (Article 99) – Mutual administrative assistance in customs matters

Protocol 7 (Article 129) – Dispute settlement

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

Joint Declaration on Article 3

Joint Declaration on Article 32

Joint Declaration on Article 75

The plenipotentiaries of Serbia have taken note of the Declaration listed below and annexed to this Final Act:

Declaration by the Community and its Member States.

JOINT DECLARATIONS

Joint Declaration on Article 3

The Parties to this Stabilisation and Association Agreement, the European Communities and their Member States, of the one part, and the Republic of Serbia, of the other part, consider that the proliferation of weapons of mass destruction (hereinafter referred to as "WMD") and their means of delivery, both at state and non-state actors level, represents one of the most serious threats to international peace, stability and security as confirmed by United Nations Security Council adopted Resolution 1540(2004). Non-proliferation of WMD is therefore a joint concern for the European Communities and their member states and Serbia.

The fight against the proliferation of WMD and their means of delivery also constitutes a fundamental element for the European Union when it considers the decision of entering into an agreement with a third country. This is why the Council decided on 17 November 2003 that a non-proliferation clause should be inserted in the new Agreements with third countries and agreed on a text of standard clause (see Council document 14997/03). Such a clause has since been inserted in the European Union's agreements with nearly one hundred countries.

The European Union and the Republic of Serbia, as responsible members of the international community, reaffirm their full commitment to the principle of non-proliferation of the WMD and their means of delivery and to the full implementation of their international obligations arising out of international instruments to which they adhere.

It is in this spirit and in line with the above stated general EU policy and Serbian commitment to the principle of non-proliferation of the weapons of mass destruction and their means of delivery, both Parties agreed to include, in Article 3 of this Agreement, the standard clause on WMD as set out by the Council of the European Union.

Joint declaration on Article 32

The purpose of measures defined in Article 32 is to monitor the trade of products with high content of sugar that could be used for further processing and to prevent the possible distortion in patterns of trade of sugar and products not having characteristics essentially different to the characteristics of sugar.

That Article should be interpreted in such a manner that does not disturb or disturbs to the least possible scale the trade in products intended for final consumption.

Joint Declaration on Article 75

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 75, paragraph 3, 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 rights¹.

Declaration by the Community and its Member States

Considering that exceptional trade measures are granted by the Community to countries participating or linked to the EU Stabilisation and Association process including Serbia on the basis of Regulation (EC) No 2007/2000, the Community and its Member States declare:

- that, in application of Article 35 of this Agreement, those of the unilateral autonomous trade measures which are more favourable shall apply in addition to the contractual trade concessions offered by the Community in this Agreement as long as 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 process², applies,

¹ OJ L 157, 30.4.2004, p. 45. Corrected version in OJ L 195, 2.6.2004, p. 16.

² OJ L 240, 23.9.2000, p. 1. Regulation as last amended by Council Regulation (EC) No 530/2007 (OJ L 125, 15.5.2007, p. 1).

- 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 26 paragraph 2.