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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Council Decision on the signing and provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part  
- Declarations and statements

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1. On 1 June 2016 the Council adopted the Council Decision on the signing and provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part<sup>1</sup>.
2. Declarations and statements made upon the adoption of this Council Decision are set out in Annexes I-VI to this note. The Council Declaration set out in Annex II will be published in the Official Journal.

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<sup>1</sup> 5729/16 + COR 1 (en, mt)

**Joint Declaration by the European Union and Mozambique regarding the Portuguese language version of the Economic Partnership Agreement between the European Union and its Member States, of one part, and the SADC EPA States, of the other part**

In December 1990 the Portuguese Language Spelling Agreement was signed by all members of the Community of the Portuguese-speaking Countries (CPLP) -- Angola, Brazil, Cabo Verde, Guiné-Bissau, Mozambique, Portugal, São Tomé and Príncipe and Timor-Leste.

In Mozambique the Agreement was approved by the Government in June 2012 and is awaiting ratification by the Parliament.

We share the following understanding:

1. If, after the date of signature of the Economic Partnership Agreement between the EU and the SADC EPA States ("EU-SADC EPA"), the Portuguese Language Spelling Agreement has not been ratified by Mozambique, the EU and Mozambique will work together to produce a Portuguese version of the SADC EPA in line with the version of Portuguese current in Mozambique today.
2. The relevant services of the Council of the European Union and of the Government of Mozambique will endeavour to certify that this version may be considered Portuguese pursuant to Article 120 of the EU-SADC EPA.

**Declaration of the Council regarding Article 74(1) of the Economic Partnership Agreement  
between the European Union and its Member States, of one part, and the SADC EPA States,  
of the other part**

The Council considers that the wording of Article 74(1) of the SADC EPA does not and cannot derogate from the division of competences between the Union and its Member States under the Treaties, including for investment.

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**Commission Declaration**

1. The Commission will, throughout ongoing or future negotiations on geographical indications (GIs), maintain close contact with each interested Member State through the available consultative structures and will welcome ad hoc requests for further consultations.
2. The Commission is committed to achieving the best possible level of protection of Union registered Geographical Indications under ongoing or future negotiations of Trade Agreements in light of the market situation in each trading partner and the interests of the Member States.
3. The Commission confirms its intention, in view of Article 4 of the EU-SADC Agreement, to ensure strict implementation of the GI protection foreseen in Protocol 3 and will analyse the outcome of the Agreement particularly with regard to the level of GI protection.
4. The Commission takes note of Greece's concerns on the results regarding the protection of GI names under the SADC EPA in particular in respect of PDO Feta.
5. The European Commission, within five (5) years from the entry into force of the EU-SADC Agreement, commits to start a process of revision of Protocol 3, with a view to achieving for all EU GI's therein, including Feta, the same level of protection.
6. In the running of the institutional committees established under the Agreement, the Commission will find pragmatic ways to involve interested Member States in the work of these committees in line with the respective competences of the EU and the Member States.
7. In view of offering Member States as well as GI producers and exporters, especially the most vulnerable among them, support to promote GIs, the Commission will examine the possibilities offered under Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries.

**Statement by Greece regarding the provisional application of the Economic Partnership Agreement between the European Union and its Member States, of one part, and the SADC EPA States, of the other part**

Greece notes that the results achieved on the protection of PDO "Feta" under the Economic Partnership Agreement between the European Union and its Member States, of one part, and the SADC EPA States, of the other part (the Agreement), provide a minimum level of protection and as such do not create a precedent for future Trade Agreements.

Greece recalls that "Feta" cheese is a registered Protected Designation of Origin (PDO), with specific standards requiring to be produced under a certain traditional way within a clearly defined production area. Greece also recalls that Feta cheese is the only product elaborated pursuant to the specification enshrined at Union level under Regulation (EC) 1829/2002 made exclusively from ewe's milk with a possible addition of goat's milk up to 30%. The results achieved on the protection of PDO "Feta" under the Agreement do not take into account the above elements and thus do not ensure its' full protection.

In this framework, Greece takes full note of the Commission's commitment to achieve the best possible level of protection of PDO "Feta" under ongoing or future negotiations of Trade Agreements taking into account the above elements and to take all measures necessary to protect the PDO "Feta" within the EU but also in third-countries' markets, notably as regards the use of unfair practices.

Greece concurs with the Commission's statement, i.e. (1) the Commission's commitment to maintain close contact with the interested Member State throughout ongoing or future negotiations on geographical indications (GIs), (2) its commitment to achieve the best possible level of protection for geographical indications under ongoing or future negotiations, (3) its intention to ensure strict implementation of the protection foreseen in Protocol 3, (4) its commitment to, within five (5) years from the entry into force of the EU-SADC Agreement, start a process of revision of Protocol 3, with a view to achieving for all EU GI's therein, including Feta, the same level of protection, (5) to seek pragmatic ways to involve interested Member States in the work of the institutional committees established under the said Agreement and (6) support Greece in its efforts to promote GIs by exploiting the possibilities offered under Regulation (EU) No 1144/2014.

Greece intends to follow up on the above points and considers them as part of the good faith in the implementation of the Economic Partnership Agreement.

In tabling this statement, Greece has taken fully into consideration the development dimension of the Agreement and its political and economic significance for the countries of SADC, particularly for the least developed ones.

**Statement by Hungary regarding the provisional application of the Economic Partnership Agreement between the European Union and its Member States, of one part, and the SADC EPA States, of the other part**

Hungary notes that, should it be necessary to amend its domestic legislation for the provisional application by the European Union of those parts of the Economic Partnership Agreement between the European Union and its Member States, of one part, and the SADC EPA States, of the other part, covered by shared competence, such amendments shall be made, because of the nature of its legal order, in conjunction with the national ratification process, which Hungary plans to initiate expediently.

Hungary recalls that according to Article 218 paragraph 5 of the Treaty on the Functioning of the European Union "The Council, on a proposal by the negotiator, shall adopt a decision authorising the signing of the agreement and, if necessary, its provisional application before entry into force." It is, therefore, up to the Council to decide if provisional application is necessary and what its specific scope should be. Hungary notes that Article 113 paragraph 3 of the SADC EPA, as negotiated by the Commission, not only contains a commitment for provisional application by the EU but also a definition of its scope, pre-empting the Council's opinion on these matters. Deciding on the necessity for provisional application through the text of agreements and defining its specific scope in the absence of explicit a priori guidance by the Council may lead to problems particularly in Member States, like Hungary, whose legal order does not allow provisional application before ratification. Hungary is of the view that the Commission should refrain from using the approach reflected in Article 113 paragraph 3 of the SADC EPA in future trade negotiations, unless the directives approved for the negotiations by the Council specifically invite the Commission to do so.

**Statement by Portugal and Slovenia regarding the provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part**

On the basis of the respect of the competences allocated between the European Union and its Member States, as defined by the Treaties, the Decision of the Council that authorises the provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part, shall not affect the autonomy of decision of Portugal and Slovenia on the issues of its national competence, whose decision to be bound by the Agreement depends on the conclusion of the internal ratification procedures, in accordance with the Constitutional principles and rules.

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