



European
Commission

The Cotonou agreement

The Cotonou agreement

Signed in Cotonou on 23 June 2000
Revised in Luxembourg on 25 June 2005
Revised in Ouagadougou on 22 June 2010



EUROPEAN UNION

Development
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Information for readers

The latest modifications (2010) are in blue. Any provision already present in the 2005 consolidated version is in black, even if differently located in the text.

Following the entry into force of the Lisbon Treaty, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. References to "the European Community" in the text of the Agreement are, where appropriate, to be read as "the European Union". However, although the EU has signalled this change to its ACP partners, the formal title and text of this Agreement have not yet been formally updated. Thus the formal title of this Agreement remains "the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part".

Please note that only the text of the Agreement amending the Partnership Agreement published in the paper edition of the Official Journal of the European Union is deemed authentic.

O.J. L 317, 15 December 2000

O.J. L 297, 22 September 2004

O.J. L 209, 11 August 2005

O.J. L 287, 28 October 2005

O.J. L 247, 09 September 2006

O.J. L 287, 04 November 2010

**LIST OF COUNTRIES SIGNATORIES OF THE
ACP-EC AGREEMENT AMENDING THE
PARTNERSHIP AGREEMENT**

IN OUAGADOUGOU ON 22 JUNE 2010

HIS MAJESTY THE KING OF THE BELGIANS,
THE PRESIDENT OF THE REPUBLIC OF BULGARIA,
THE PRESIDENT OF THE CZECH REPUBLIC,
HER MAJESTY THE QUEEN OF DENMARK,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,
THE PRESIDENT OF THE REPUBLIC OF ESTONIA,
THE PRESIDENT OF IRELAND,
THE PRESIDENT OF THE HELLENIC REPUBLIC,
HIS MAJESTY THE KING OF SPAIN,
THE PRESIDENT OF THE FRENCH REPUBLIC,
THE PRESIDENT OF THE ITALIAN REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF CYPRUS,
THE PRESIDENT OF THE REPUBLIC OF LATVIA,
THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,
THE PRESIDENT OF THE REPUBLIC OF HUNGARY,
THE PRESIDENT OF MALTA,
HER MAJESTY THE QUEEN OF THE NETHERLANDS,
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,
THE PRESIDENT OF THE REPUBLIC OF POLAND,
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,
THE PRESIDENT OF ROMANIA,
THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,
THE PRESIDENT OF THE SLOVAK REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF FINLAND,

THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as "the Member States",

and

THE EUROPEAN UNION, hereinafter referred to as "the Union" or "the EU",

of the one part, and

THE PRESIDENT OF THE REPUBLIC OF ANGOLA,

HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA,

THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS,

THE HEAD OF STATE OF BARBADOS,

HER MAJESTY THE QUEEN OF BELIZE,

THE PRESIDENT OF THE REPUBLIC OF BENIN,

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,

THE PRESIDENT OF BURKINA FASO,

THE PRESIDENT OF THE REPUBLIC OF BURUNDI,

THE PRESIDENT OF THE REPUBLIC OF CAMEROON,

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,

THE PRESIDENT OF THE UNION OF THE COMOROS,

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF CONGO,

THE PRESIDENT OF THE REPUBLIC OF CONGO,

THE GOVERNMENT OF THE COOK ISLANDS,

THE PRESIDENT OF THE REPUBLIC OF CÔTE D'IVOIRE,

THE PRESIDENT OF THE REPUBLIC OF DJIBOUTI,

THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA,

THE PRESIDENT OF THE DOMINICAN REPUBLIC,
THE PRESIDENT OF THE STATE OF ERITREA,
THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA,
THE PRESIDENT OF THE REPUBLIC OF THE FIJI ISLANDS,
THE PRESIDENT OF THE GABONESE REPUBLIC,
THE PRESIDENT AND HEAD OF STATE OF THE REPUBLIC OF THE GAMBIA,
THE PRESIDENT OF THE REPUBLIC OF GHANA,
HER MAJESTY THE QUEEN OF GRENADA,
THE PRESIDENT OF THE REPUBLIC OF GUINEA,
THE PRESIDENT OF THE REPUBLIC OF GUINEA-BISSAU,
THE PRESIDENT OF THE CO-OPERATIVE REPUBLIC OF GUYANA,
THE PRESIDENT OF THE REPUBLIC OF HAITI,
THE HEAD OF STATE OF JAMAICA,
THE PRESIDENT OF THE REPUBLIC OF KENYA,
THE PRESIDENT OF THE REPUBLIC OF KIRIBATI,
HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO,
THE PRESIDENT OF THE REPUBLIC OF LIBERIA,
THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR,
THE PRESIDENT OF THE REPUBLIC OF MALAWI,
THE PRESIDENT OF THE REPUBLIC OF MALI,
THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS,
THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA,
THE PRESIDENT OF THE REPUBLIC OF MAURITIUS,
THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA,
THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE,
THE PRESIDENT OF THE REPUBLIC OF NAMIBIA,

THE GOVERNMENT OF THE REPUBLIC OF NAURU,
THE PRESIDENT OF THE REPUBLIC OF NIGER,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA,
THE GOVERNMENT OF NIUE,
THE GOVERNMENT OF THE REPUBLIC OF PALAU,
HER MAJESTY THE QUEEN OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA,
THE PRESIDENT OF THE REPUBLIC OF RWANDA,
HER MAJESTY THE QUEEN OF SAINT KITTS AND NEVIS,
HER MAJESTY THE QUEEN OF SAINT LUCIA,
HER MAJESTY THE QUEEN OF SAINT VINCENT AND THE GRENADINES,
THE HEAD OF STATE OF THE INDEPENDENT STATE OF SAMOA,
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE,
THE PRESIDENT OF THE REPUBLIC OF SENEGAL,
THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES,
THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,
HER MAJESTY THE QUEEN OF SOLOMON ISLANDS,
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA,
THE PRESIDENT OF THE REPUBLIC OF SURINAME,
HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND,
THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,
THE PRESIDENT OF THE REPUBLIC OF CHAD,
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE,
THE PRESIDENT OF THE TOGOLESE REPUBLIC,
HIS MAJESTY THE KING OF TONGA,
THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO,
HER MAJESTY THE QUEEN OF TUVALU,

THE PRESIDENT OF THE REPUBLIC OF UGANDA,

THE GOVERNMENT OF THE REPUBLIC OF VANUATU,

THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,

THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE,

which States are hereinafter referred to as "ACP States",

of the other part,

HAVING REGARD to the Treaty on the Functioning of the European Union, on the one hand, and the Georgetown Agreement establishing the Group of African, Caribbean and Pacific States (ACP), on the other;

HAVING REGARD to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005, (hereinafter referred to as "the Cotonou Agreement");

CONSIDERING that Article 95(1) of the Cotonou Agreement lays down that the duration of the Agreement shall be 20 years, commencing on 1 March 2000;

CONSIDERING that the Agreement amending the Cotonou Agreement for the first time was signed in Luxembourg on 25 June 2005 and entered into force on 1 July 2008;

HAVE DECIDED to sign this Agreement amending the Cotonou Agreement for the second time and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS,

THE PRESIDENT OF THE REPUBLIC OF BULGARIA,

THE PRESIDENT OF THE CZECH REPUBLIC,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE REPUBLIC OF ESTONIA,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

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THE PRESIDENT OF THE REPUBLIC OF CYPRUS,
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HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,
THE PRESIDENT OF THE REPUBLIC OF HUNGARY,
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HER MAJESTY THE QUEEN OF THE NETHERLANDS,
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,
THE PRESIDENT OF THE REPUBLIC OF POLAND,
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,
THE PRESIDENT OF ROMANIA,
THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,
THE PRESIDENT OF THE SLOVAK REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF FINLAND,
THE GOVERNMENT OF THE KINGDOM OF SWEDEN,
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
THE EUROPEAN UNION,
THE PRESIDENT OF THE REPUBLIC OF ANGOLA,
HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA,
THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS,
THE HEAD OF STATE OF BARBADOS,
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THE PRESIDENT OF THE DOMINICAN REPUBLIC,
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THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA,
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THE PRESIDENT OF THE GABONESE REPUBLIC,
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THE PRESIDENT OF THE CO-OPERATIVE REPUBLIC OF GUYANA,
THE PRESIDENT OF THE REPUBLIC OF HAITI,
THE HEAD OF STATE OF JAMAICA,
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THE PRESIDENT OF THE REPUBLIC OF MALI,
THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS,
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THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE,
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THE GOVERNMENT OF THE REPUBLIC OF NAURU,
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THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA,
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THE GOVERNMENT OF THE REPUBLIC OF VANUATU,
THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,
THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE,

**PARTNERSHIP AGREEMENT BETWEEN
THE MEMBERS OF THE AFRICAN,
CARIBBEAN AND PACIFIC GROUP OF
STATES OF THE ONE PART, AND THE
EUROPEAN COMMUNITY AND ITS
MEMBER STATES OF THE OTHER PART**

Signed in Cotonou on 23 June 2000

Revised in Luxembourg on 25 June 2005

Revised in Ouagadougou on 22 June 2010

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PREAMBLE

HAVING REGARD TO the Treaty establishing the European Community, on the one hand, and the Georgetown Agreement establishing the Group of African, Caribbean and Pacific States (ACP), on the other;

AFFIRMING their commitment to work together towards the achievement of the objectives of poverty eradication, sustainable development and the gradual integration of the ACP countries into the world economy;

ASSERTING their resolve to make, through their cooperation, a significant contribution to the economic, social and cultural development of the ACP States and to the greater well being of their population, helping them facing the challenges of globalisation and strengthening the ACP-EU Partnership in the effort to give the process of globalisation a stronger social dimension;

REAFFIRMING their willingness to revitalise their special relationship and to implement a comprehensive and integrated approach for a strengthened partnership based on political dialogue, development cooperation and economic and trade relations;

ACKNOWLEDGING that a political environment guaranteeing peace, security and stability, respect for human rights, democratic principles and the rule of law, and good governance is part and parcel of long term development; acknowledging that responsibility for establishing such an environment rests primarily with the countries concerned;

ACKNOWLEDGING that sound and sustainable economic policies are prerequisites for development;

REFERRING to the principles of the Charter of the United Nations, and recalling the Universal Declaration of Human Rights, the conclusions of the 1993 Vienna Conference on Human Rights, the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination against Women, the International Convention on the Elimination of all forms of Racial Discrimination, the 1949 Geneva Conventions and the other instruments of international humanitarian law, the 1954 Convention relating to the status of stateless persons, the 1951 Geneva Convention relating to the Status of Refugees and the 1967 New York Protocol relating to the Status of Refugees;

CONSIDERING the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe, the African Charter on Human and Peoples' Rights and the American Convention on Human Rights as positive regional contributions to the respect of human rights in the European Union and in the ACP States;

REAFFIRMING that the most serious crimes of concern to the international community must not go unpunished and that their effective prosecution must be ensured by taking measures at national level and by enhancing global collaboration;

CONSIDERING that the establishment and effective functioning of the International Criminal Court constitute an important development for peace and international justice;

RECALLING the declarations of the successive Summits of the Heads of State and Government of ACP States;

CONSIDERING that the Millennium Development Goals emanating from the Millennium Declaration adopted by the United Nations General Assembly in 2000, in particular the eradication of extreme poverty and hunger, as well as the development targets and principles agreed in the United Nations Conferences, provide a clear vision and must underpin ACP-EC cooperation within this Agreement; **acknowledging that the EU and the ACP States need to make a concerted effort to accelerate progress towards attaining the Millennium Development Goals;**

SUBSCRIBING to the aid effectiveness agenda started in Rome, pursued in Paris and further developed in the Accra Agenda for Action;

PAYING particular attention to the pledges made **and objectives agreed at major UN and other international conferences** and acknowledging the need for further action to be taken in order to achieve the goals and implement the action programmes which have been drawn up in those fora;

AWARE of the serious global environmental challenge posed by climate change, and deeply concerned that the most vulnerable populations live in developing countries, in particular in Least Developed Countries and Small Island ACP States, where climate-related phenomena such as sea level rise, coastal erosion, flooding, droughts and desertification are threatening their livelihoods and sustainable development;

ANXIOUS to respect basic labour rights, taking account of the principles laid down in the relevant conventions of the International Labour Organisation;

RECALLING the commitments within the framework of the World Trade Organisation,

HAVE DECIDED TO CONCLUDE THIS AGREEMENT:

PART 1

GENERAL PROVISIONS

TITLE I

OBJECTIVES, PRINCIPLES AND ACTORS

CHAPTER 1

OBJECTIVES AND PRINCIPLES

ARTICLE 1

Objectives of the partnership

The Community and its Member States, of the one part, and the ACP States, of the other part, hereinafter referred to as the "Parties" hereby conclude this Agreement in order to promote and expedite the economic, cultural and social development of the ACP States, with a view to contributing to peace and security and to promoting a stable and democratic political environment.

The partnership shall be centred on the objective of reducing and eventually eradicating poverty consistent with the objectives of sustainable development and the gradual integration of the ACP countries into the world economy.

These objectives and the Parties' international commitments, **including the Millennium Development Goals**, shall inform all development strategies and shall be tackled through an integrated approach taking account at the same time of the political, economic, social, cultural and environmental aspects of development. The partnership shall provide a coherent support framework for the development strategies adopted by each ACP State.

Sustained economic growth, developing the private sector, increasing employment and improving access to productive resources shall all be part of this framework. Support shall be given to the respect of the rights of the individual and meeting basic needs, the promotion of social development and the conditions for an equitable distribution of the fruits of growth. Regional and sub regional integration processes which foster the integration of the ACP countries into the world economy in terms of trade and private investment shall be encouraged and supported. Building the capacity of the actors in development and improving the institutional framework necessary for social cohesion, for the functioning of a democratic society and market economy, and for the emergence of an active and organised civil society shall be integral to the approach. Systematic account shall be taken of the situation of women and gender issues in all areas - political, economic and social. The principles of sustainable management of natural resources and the environment, **including climate change**, shall be applied and integrated at every level of the partnership.

ARTICLE 2 Fundamental principles

ACP-EC cooperation, underpinned by a legally binding system and the existence of joint institutions, shall be **guided by the internationally agreed aid effectiveness agenda regarding ownership, alignment, harmonisation, results-oriented aid management and mutual accountability**, exercised on the basis of the following fundamental principles:

- equality of the partners and ownership of the development strategies: for the purposes of implementing the objectives of the partnership, the ACP States shall determine the development strategies for their economies and societies in all sovereignty and with due regard for the essential **and fundamental** elements described in Article 9; the partnership shall encourage ownership of the development strategies by the countries and populations concerned; **EU development partners shall align their programmes with these strategies;**
- participation: apart from central government as the main partner, the partnership shall be open **to ACP parliaments, and local authorities in ACP States and** different kinds of other actors in order to encourage the integration of all sections of society, including the private sector and civil society organisations, into the mainstream of political, economic and social life;
- the pivotal role of dialogue and the fulfilment of mutual obligations **and accountability**: the obligations assumed by the Parties in the framework of their dialogue shall be central to their partnership and cooperation relations; **the Parties shall work closely together in determining and implementing the necessary processes of donor alignment and harmonisation, with a view to securing a key role for ACP States in these processes;**
- differentiation and regionalisation: cooperation arrangements and priorities shall vary according to a partner's level of development, its needs, its performance and its long term development strategy. Particular emphasis shall be placed on the regional dimension. Special treatment shall be given to the least developed countries. The vulnerability of landlocked and island countries shall be taken into account. **Particular emphasis shall be put on regional integration, including at continental level.**

ARTICLE 3 Achievement of this Agreement's objectives

The Parties shall, each as far as it is concerned in the framework of this Agreement, take all appropriate measures, whether general or particular, to ensure the fulfilment of the obligations arising from this Agreement and to facilitate the attainment of the objectives thereof. They shall refrain from any measures liable to jeopardise these objectives.

**CHAPTER 2
THE ACTORS OF
THE PARTNERSHIP**

**ARTICLE 4
General approach**

The ACP States shall determine the development principles, strategies and models of their economies and societies in all sovereignty. They shall establish, with the Community, the cooperation programmes provided for under this Agreement. However, the parties recognise the complementary role of and potential for contributions by non State actors, **ACP national parliaments** and local decentralised authorities to the development process, **particularly at the national and regional levels**. To this end, under the conditions laid down in this Agreement, non-State actors, **ACP national parliaments** and local decentralised **authorities**, shall, where appropriate:

- be informed and involved in consultation on cooperation policies and strategies, on priorities for cooperation especially in areas that concern or directly affect them, and on the political dialogue;
- **be provided with capacity-building support in critical areas in order to reinforce the capabilities of these actors, particularly as regards organisation and representation, and the establishment of consultation mechanisms including channels of communication and dialogue, and to promote strategic alliances.**

Non-State actors and local decentralised authorities shall, where appropriate:

- be provided with financial resources, under the conditions laid down in this Agreement in order to support local development processes;
- be involved in the implementation of cooperation project and programmes in areas that concern them or where these actors have a comparative advantage;

**ARTICLE 5
Information**

Cooperation will support operation to provide more information and create greater awareness of the basic features of ACP-EU Partnership.

Cooperation will also:

- encourage partnership and build links between ACP and EU actors;
- strengthen networking and exchange of expertise and experience among the actors.

ARTICLE 6
Definitions

1. The actors of cooperation will include:

a) State (local, regional and national), **including ACP national parliaments;**

b) ACP regional organisations and the African Union. For the purpose of this Agreement the notion of regional organisations or levels shall also include sub-regional organisations or levels;

c) Non-State:

- private sector;

- economic and social partners, including trade union organisations;

- civil Society in all its forms according to national characteristics.

2. Recognition by the parties of **non-State** actors shall depend on the extent to which they address the needs of the population, on their specific competencies and whether they are organised and managed democratically and transparently.

ARTICLE 7
Capacity building

The contribution of civil society to development can be enhanced by strengthening community organisations and non-profit non-governmental organisations in all spheres of cooperation. This will require:

-encouraging and supporting the creation and development of such organisations;

-establishing arrangements for involving such organisations in the design, implementation and evaluation of development strategies and programmes.

TITLE II
THE POLITICAL DIMENSION

ARTICLE 8
Political dialogue

1. The Parties shall regularly engage in a comprehensive, balanced and deep political dialogue leading to commitments on both sides.

2. The objective of this dialogue shall be to exchange information, to foster mutual understanding, and to facilitate the establishment of agreed priorities and shared agendas, in particular by recognising existing links between the different aspects of the relations between the Parties and the various areas of cooperation as laid down in this Agreement.

The dialogue shall facilitate consultations **and strengthen cooperation** between the Parties within international fora **as well as promote and sustain a system of effective multilateralism**. The objectives of the dialogue shall also include preventing situations arising in which one Party might deem it necessary to have recourse to the consultation procedures envisaged in Articles 96 and 97.

3. The dialogue shall cover all the aims and objectives laid down in this Agreement as well as all questions of common, general **or** regional interest, **including issues pertaining to regional and continental integration**. Through dialogue, the Parties shall contribute to peace, security and stability and promote a stable and democratic political environment. It shall encompass cooperation strategies, **including the aid effectiveness agenda**, as well as global and sectoral policies, including environment, **climate change**, gender, migration and questions related to the cultural heritage. **It shall also address global and sectoral policies of both Parties that might affect the achievement of the objectives of development cooperation.**

4. The dialogue shall focus, inter alia, on specific political issues of mutual concern or of general significance for the attainment of the objectives of this Agreement, such as the arms trade, excessive military expenditure, drugs, organised crime or **child labour, or discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status**. The dialogue shall also encompass a regular assessment of the developments concerning the respect for human rights, democratic principles, the rule of law and good governance.

5. Broadly based policies to promote peace and to prevent, manage and resolve violent conflicts shall play a prominent role in this dialogue, as shall the need to take full account of the objective of peace and democratic stability in the definition of priority areas of cooperation. **The dialogue in this context shall fully involve the relevant ACP regional organisations and the African Union, where appropriate.**

6. The dialogue shall be conducted in a flexible manner. Dialogue shall be formal or informal according to the need, and conducted within and outside the institutional framework, including the ACP Group, the Joint parliamentary Assembly, in the appropriate format, and at the appropriate level including **national, regional, continental or all-ACP level**.

7. Regional organisations as well as representatives of civil society organisations shall be associated with this dialogue, **as well as ACP national parliaments, where appropriate.**

8. Where appropriate, and in order to prevent situations arising in which one Party might deem it necessary to have recourse to the consultation procedure foreseen in Article 96, dialogue covering the essential elements shall be systematic and formalised in accordance with the modalities set out in Annex VII.

ARTICLE 9

Essential elements regarding human rights, democratic principles and the rule of law, and fundamental element regarding good governance

1. Cooperation shall be directed towards sustainable development centred on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of all human rights.

Respect for all human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development.

2. The Parties refer to their international obligations and commitments concerning respect for human rights. They reiterate their deep attachment to human dignity and human rights, which are legitimate aspirations of individuals and peoples. Human rights are universal, indivisible and inter related. The Parties undertake to promote and protect all fundamental freedoms and human rights, be they civil and political, or economic, social and cultural. In this context, the Parties reaffirm the equality of men and women.

The Parties reaffirm that democratisation, development and the protection of fundamental freedoms and human rights are interrelated and mutually reinforcing. Democratic principles are universally recognised principles underpinning the organisation of the State to ensure the legitimacy of its authority, the legality of its actions reflected in its constitutional, legislative and regulatory system, and the existence of participatory mechanisms. On the basis of universally recognised principles, each country develops its democratic culture.

The structure of government and the prerogatives of the different powers shall be founded on rule of law, which shall entail in particular effective and accessible means of legal redress, an independent legal system guaranteeing equality before the law and an executive that is fully subject to the law.

Respect for human rights, democratic principles and the rule of law, which underpin the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute the essential elements of this Agreement.

3. In the context of a political and institutional environment that upholds human rights, democratic principles and the rule of law, good governance is the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, transparent and accountable institutions, the primacy of law in the management and distribution of resources and capacity building for elaborating and implementing measures aiming in particular at preventing and combating corruption.

Good governance, which underpins the ACP-EU Partnership, shall underpin the domestic and international policies of the Parties and constitute a fundamental element of this Agreement. The Parties agree that serious cases of corruption, including acts of bribery leading to such corruption, as **referred to** in Article 97 constitute a violation of that element.

4. The Partnership shall actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance.

These areas will be an important subject for the political dialogue. In the context of this dialogue, the Parties shall attach particular importance to the changes underway and to the continuity of the progress achieved. This regular assessment shall take into account each country's economic, social, cultural and historical context.

These areas will also be a focus of support for development strategies. The Community shall provide support for political, institutional and legal reforms and for building the capacity of public and private actors and civil society in the framework of strategies agreed jointly between the State concerned and the Community.

The principles underlying the essential and fundamental elements as defined in this Article shall apply equally to the ACP States on the one hand, and to the European Union and its Member States, on the other hand.

ARTICLE 10

Other elements of the political environment

1. The Parties consider the following elements as contributing to the maintenance and consolidation of a stable and democratic political environment:

-sustainable and equitable development involving, inter alia, access to productive resources, essential services and justice;

- greater involvement of **ACP national parliaments, local decentralised authorities, where appropriate, and of** an active and organised civil society and the private sector.

2. The Parties recognise that the principles of the **social** market economy, supported by transparent competition rules and sound economic and social policies, contribute to achieving the objectives of the partnership.

ARTICLE 11

Peace building policies, conflict prevention and resolution, **response to situations of fragility**

1. The Parties acknowledge that without development and poverty reduction there will be no sustainable peace and security, and that without peace and security there can be no sustainable development. The Parties shall pursue an active, comprehensive and integrated policy of peace building and conflict prevention and resolution, **and human security, and shall address situations of fragility** within the framework of the Partnership. This policy shall be based on the principle of ownership **and** shall in particular focus on building **national, regional and continental** capacities, and on preventing violent conflicts at an early stage by addressing their root-causes, **including poverty**, in a targeted manner, and with an adequate combination of all available instruments.

The Parties acknowledge that new or expanding security threats need to be addressed, such as organised crime, piracy and trafficking of, notably, people, drugs and weapons. The impacts of global challenges like international financial market shocks, climate change and pandemics also need to be taken into account.

The Parties emphasize the important role of regional organisations in peace building and conflict prevention and resolution and in tackling new or expanding security threats with, in Africa, a key responsibility for the African Union.

2. The interdependence between security and development shall inform the activities in the field of peace building, conflict prevention and resolution which shall combine short and long-term approaches, which encompass and go beyond crisis management. Activities to tackle new or expanding security threats shall, inter alia, support law enforcement, including cooperating on border controls, enhancing the security of the international supply chain, and improving air, maritime and road transport safeguards.

Activities in the field of peace building, conflict prevention and resolution shall in particular include support for balancing political, economic, social and cultural opportunities among all segments of society, for strengthening the democratic legitimacy and effectiveness of governance, for establishing effective mechanisms for the peaceful conciliation of group interests, **for active involvement of women**, for bridging dividing lines among different segments of society as well as support for an active and organised civil society. **In this respect, particular attention shall be paid to developing early warning systems and peace-building mechanisms that would contribute to the prevention of conflicts.**

3. Relevant activities shall also include, inter alia, support for mediation, negotiation and reconciliation efforts, for effective regional management of shared, scarce natural resources, for demobilisation and reintegration of former combatants into the society, for addressing the problems of child soldiers **and of violence against women and children. Suitable action shall be taken** to set responsible limits to military expenditure and arms trade, including through support for the promotion and application of agreed standards and codes of conduct, **as well as to combat activities that fuel conflict.**

3a Particular emphasis shall be given to the fight against antipersonnel landmines **and explosive remnants of war** as well as to addressing **the illicit manufacture, transfer, circulation and accumulation** of small arms and light weapons **and their ammunition, including inadequately secured and poorly managed stocks and stockpiles and their uncontrolled spread.**

The Parties agree to coordinate, observe and fully implement their respective obligations under all relevant international conventions and instruments, and, to this end, they undertake to cooperate at the national, regional and continental levels.

3b. The Parties also undertake to cooperate in the prevention of mercenary activities in accordance with their obligations under **all relevant** international conventions and instruments, and their respective legislations and regulations.

4. **In order to address situations of fragility in a strategic and effective manner, the Parties shall share information and facilitate preventive responses combining diplomatic, security**

and development cooperation tools in a coherent way. They shall agree on the best way to strengthen capabilities of States to fulfil their core functions and to stimulate political will for reform while respecting the principle of ownership. In situations of fragility, political dialogue is especially important and shall be further developed and reinforced.

5. In situations of violent conflict the Parties shall take all suitable action to prevent an intensification of violence, to limit its territorial spread, and to facilitate a peaceful settlement of the existing disputes. Particular attention shall be paid to ensuring that financial resources for cooperation are used in accordance with the principles and objectives of the Partnership, and to preventing a diversion of funds for belligerent purposes.

6. In post conflict situations, the Parties shall take all suitable action to **stabilise the situation during the transition in order to** facilitate the return to a non violent, stable and **democratic** situation. The Parties shall ensure the creation of the necessary links between emergency measures, rehabilitation and development cooperation.

7. In promoting the strengthening of peace and international justice, the Parties reaffirm their determination to:

-share experience in the adoption of legal adjustments required to allow for the ratification and implementation of the Rome Statute of the International Criminal Court; and

-fight against international crime in accordance with international law, giving due regard to the Rome Statute.

The Parties shall seek to take steps towards ratifying and implementing the Rome Statute and related instruments.

ARTICLE 11A

Fight against terrorism

The Parties reiterate their firm condemnation of all acts of terrorism and undertake to combat terrorism through international cooperation, in accordance with the Charter of the United Nations and international law, relevant conventions and instruments and in particular full implementation of UN Security Council Resolutions 1373 (2001) and 1456 (2003) and other relevant UN resolutions. To this end, the Parties agree to exchange:

- information on terrorist groups and their support networks; and

-views on means and methods to counter terrorist acts, including in technical fields and training, and experiences in relation to the prevention of terrorism.

ARTICLE 11B

Cooperation in countering the proliferation of weapons of mass destruction

1. The Parties consider that the proliferation of weapons of mass destruction and their means of delivery, both to State and non-State actors, represents one of the most serious threats to international stability and security.

The Parties therefore agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery through full compliance with and national implementation of their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations.

The Parties agree that this provision constitutes an essential element of this Agreement.

2. The Parties furthermore agree to cooperate and to contribute to the objective of non proliferation by:

-taking steps to sign, ratify or accede to, as appropriate, and fully implement all other relevant international instruments;

-the establishment of an effective system of national export controls, controlling the export as well as transit of weapons of mass destruction related goods, including a weapons of mass destruction end-use control on dual use technologies and containing effective sanctions for breaches of export controls.

Financial and technical assistance in the area of cooperation to counter the proliferation of weapons of mass destruction will be financed by specific instruments other than those intended for the financing of ACP-EC cooperation.

3. The Parties agree to establish a regular political dialogue that will accompany and consolidate their cooperation in this area.

4. If, after having conducted a strengthened political dialogue, a Party, informed in particular by reports by the International Atomic Energy Agency (IAEA), the Organisation for the Prohibition of Chemical Weapons (OPCW) and other relevant multilateral institutions, considers that the other Party has failed to fulfil an obligation stemming from paragraph 1, it shall, except in cases of special urgency, supply the other Party and both the ACP and the EC Councils of Ministers with the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. To this end, it shall invite the other Party to hold consultations that focus on the measures taken or to be taken by the Party concerned to remedy the situation.

5. The consultations shall be conducted at the level and in the form considered most appropriate for finding a solution.

The consultations shall begin no later than 30 days after the invitation and shall continue for a period established by mutual agreement, depending on the nature and gravity of the violation. In no case shall the dialogue under the consultation procedure last longer than 120 days.

6. If the consultations do not lead to a solution acceptable to both Parties, if consultation is refused or in cases of special urgency, appropriate measures may be taken. These measures shall be revoked as soon as the reasons for taking them no longer prevail.

ARTICLE 12
Coherence of Community policies and their impact on the implementation of this Agreement

The Parties are committed to addressing policy coherence for development in a targeted, strategic and partnership-oriented way, including strengthening dialogue on issues of policy coherence for development. The Union acknowledges that Union policies, other than development policy, can support the development priorities of ACP States in line with the objectives of this Agreement. On this basis the Union will enhance the coherence of those policies with a view to attaining the objectives of this Agreement.

Without prejudice to Article 96, where the Community intends, in the exercise of its powers, to take a measure which might affect the interests of the ACP States, as far as this Agreement's objectives are concerned, it shall inform in good time the **ACP Group** of its intentions. Towards this end, the Commission shall **regularly inform the Secretariat of the ACP Group of planned proposals and** communicate simultaneously its proposal for such measures. Where necessary, a request for information may also take place on the initiative of the ACP States.

At their request, consultations shall be held promptly so that account may be taken of their concerns as to the impact of those measures before any final decision is made.

After such consultations have taken place, the ACP States **and the ACP Group** may, in addition, transmit their concerns in writing to the Community as soon as possible and submit suggestions for amendments indicating the way their concerns should be met.

If the Community does not accede to the ACP States' submissions, it shall advise them as soon as possible giving its reasons.

The ACP **Group** shall also be provided with adequate information on the entry into force of such decisions, in advance whenever possible.

ARTICLE 13
Migration

1. The issue of migration shall be the subject of in depth dialogue in the framework of the ACP-EU Partnership.

The Parties reaffirm their existing obligations and commitments in international law to ensure respect for human rights and to eliminate all forms of discrimination based particularly on origin, sex, race, language and religion.

2. The Parties agree to consider that a partnership implies, with relation to migration, fair treatment of third country nationals who reside legally on their territories, integration policy aiming at granting them rights and obligations comparable to those of their citizens, enhancing non discrimination in economic, social and cultural life and developing measures against racism and xenophobia.

3. The treatment accorded by each Member State to workers of ACP countries legally employed in its territory, shall be free from any discrimination based on nationality, as regards working conditions, remuneration and dismissal, relative to its own nationals. Further in this regard, each ACP State shall accord comparable non discriminatory treatment to workers who are nationals of a Member State.

4. The Parties consider that strategies aiming at reducing poverty, improving living and working conditions, creating employment and developing training contribute in the long term to normalising migratory flows.

The Parties will take account, in the framework of development strategies and national and regional programming, of structural constraints associated with migratory flows with the purpose of supporting the economic and social development of the regions from which migrants originate and of reducing poverty.

The Community shall support, through national and regional Cooperation programmes, the training of ACP nationals in their country of origin, in another ACP country or in a Member State of the European Union. As regards training in a Member State, the Parties shall ensure that such action is geared towards the vocational integration of ACP nationals in their countries of origin.

The Parties shall develop cooperation programmes to facilitate the access of students from ACP States to education, in particular through the use of new communication technologies.

5.

a) In the framework of the political dialogue the Council of Ministers shall examine issues arising from illegal immigration with a view to establishing, where appropriate, the means for a prevention policy.

b) In this context the Parties agree in particular to ensure that the rights and dignity of individuals are respected in any procedure initiated to return illegal immigrants to their countries of origin. In this connection the authorities concerned shall extend to them the administrative facilities necessary for their return.

c) The Parties further agree that:

i) -each Member State of the European Union shall accept the return of and readmission of any of its nationals who are illegally present on the territory of an ACP State, at that State's request and without further formalities;

-each of the ACP States shall accept the return of and readmission of any of its nationals who are illegally present on the territory of a Member State of the European Union, at that Member State's request and without further formalities.

The Member States and the ACP States will provide their nationals with appropriate identity documents for such purposes.

In respect of the Member States of the European Union, the obligations in this paragraph apply only in respect of those persons who are to be considered their nationals for the Community purposes in accordance with Declaration No 2 to the Treaty establishing the European Community. In respect of ACP States, the obligations in this paragraph apply only in respect of those persons who are considered as their nationals in accordance with their respective legal system.

ii) at the request of a Party, negotiations shall be initiated with ACP States aiming at concluding in good faith and with due regard for the relevant rules of international law, bilateral agreements governing specific obligations for the readmission and return of their nationals. These agreements shall also cover, if deemed necessary by any of the Parties, arrangements for the readmission of third country nationals and stateless persons. Such agreements will lay down the details about the categories of persons covered by these arrangements as well as the modalities of their readmission and return.

Adequate assistance to implement these agreements will be provided to the ACP States.

iii) for the purposes of this point (c), the term "Parties" shall refer to the Community, any of its Member States and any ACP State.

PART 2

INSTITUTIONAL PROVISIONS

ARTICLE 14 **The joint institutions**

1. The **joint** institutions of this Agreement are the Council of Ministers, the Committee of Ambassadors and the Joint Parliamentary Assembly.

2. **The joint institutions and the institutions set up under the Economic Partnership Agreements, without prejudice to the relevant provisions of existing or future Economic Partnership Agreements, shall endeavour to ensure coordination, coherence and complementarity, as well as an effective and reciprocal flow of information.**

ARTICLE 14A **Meetings of Heads of State or Government**

The Parties shall meet at the level of Heads of State or Government, upon joint agreement, in an appropriate format.

ARTICLE 15 **The Council of Ministers**

1. The Council of Ministers shall comprise, on the one hand, the members of the Council of the European Union and members of the Commission of the European Communities and, on the other, a member of the government of each ACP State.

The office of the President of the Council of Ministers shall be held alternately by a member of the Council of the European Union and a member of the government of an ACP State.

The Council shall meet as a rule once a year on the initiative of the President and whenever it seems necessary, in a form and a geographical composition appropriate to the issues to be addressed. **Such meetings will provide for high-level consultations on matters which are of specific concern to the Parties, complementing the work that is being done in the Joint Ministerial Trade Committee, as set out in Article 38, and in the ACP-EC Development Finance Cooperation Committee, as set out in Article 83, which feed into the annual regular Council of Ministers meetings.**

2. The functions of the Council of Ministers shall be to:

a) conduct the political dialogue;

- b) adopt the policy guidelines and take the decisions necessary for the implementation of the provisions of this Agreement, in particular as regards development strategies in the specific areas provided for by this Agreement or any other area that should prove relevant, and as regards procedures;
- c) examine and resolve any issue liable to impede the effective and efficient implementation of this Agreement or present an obstacle to achieving its objectives;
- d) ensure the smooth functioning of the consultation mechanisms.

3. The Council of Ministers shall take its decisions by common agreement of the Parties. The proceedings of the Council of Ministers shall be valid only if half the members of the Council of the European Union, one member of the Commission and two thirds of the members representing the governments of the ACP States are present. Any member of the Council of Ministers unable to attend may be represented. The representative shall exercise all the rights of that member.

It may take decisions that are binding on the Parties and frame resolutions, recommendations and opinions, **during the annual regular meeting, or by written procedure. It shall report annually to the Joint Parliamentary Assembly on the implementation of this Agreement.** It shall examine and take into consideration resolutions and recommendations adopted by the Joint Parliamentary Assembly.

The Council of Ministers shall conduct an ongoing dialogue with the representatives of the social and economic partners and other actors of civil society in the ACP and the EU. To that end, consultations may be held alongside its meetings.

- 4. The Council of Ministers may delegate powers to the Committee of Ambassadors.
- 5. The Council of Ministers shall adopt its rules of procedure within six months of the entry into force of this Agreement.

ARTICLE 16

The Committee of Ambassadors

1. The Committee of Ambassadors shall comprise, on the one hand, the permanent representative of each Member State to the European Union and a representative of the Commission and, on the other, the head of mission of each ACP State to the European Union.

The office of Chairman of the Committee of Ambassadors shall be held alternately by a Permanent Representative of a Member State designated by the Community, and a head of mission representing an ACP State, designated by the ACP States.

2. The Committee shall assist the Council of Ministers in the fulfilment of its tasks and carry out any mandate entrusted to it by the Council. In this context, it shall monitor implementation of this Agreement and progress towards achieving the objectives set therein.

The Committee of Ambassadors shall meet regularly, in particular to prepare the Council sessions and whenever it proves necessary.

3. The Committee shall adopt its rules of procedure within six months of the entry into force of this Agreement.

ARTICLE 17

The Joint Parliamentary Assembly

1. The Joint Parliamentary Assembly shall be composed of equal numbers of EU and ACP representatives. The members of the Joint Parliamentary Assembly shall be, on the one hand, members of the European Parliament and, on the other, members of parliament or, failing this, representatives designated by the parliament of each ACP State. In the absence of a parliament, the attendance of a representative from the ACP State concerned shall be subject to the prior approval of the Joint Parliamentary Assembly.

2. The role of the Joint Parliamentary Assembly, as a consultative body, shall be to:

-promote democratic processes through dialogue and consultation;

-facilitate greater understanding between the peoples of the European Union and those of the ACP States and raise public awareness of development issues;

-discuss issues pertaining to development and the ACP-EU Partnership, **including the Economic Partnership Agreements, other trading arrangements, the European Development Fund and Country and Regional Strategy Papers. To this end, the Commission shall transmit such Strategy Papers for information to the Joint Parliamentary Assembly;**

-discuss the annual report of the Council of Ministers on the implementation of this Agreement, and adopt resolutions and make recommendations to the Council of Ministers with a view to achieving the objectives of this Agreement;

-advocate for institutional development and capacity building of national parliaments in accordance with Article 33(1) of this Agreement.

3. The Joint Parliamentary Assembly shall meet twice a year in plenary session, alternately in the European Union and in an ACP State. With a view to strengthening regional integration and fostering cooperation between national parliaments, meetings between EU and ACP members of parliament **shall** be arranged at regional level.

Such meetings at regional level will be organised in pursuance of the objectives laid down in Article 14(2) of this Agreement.

4. The Joint Parliamentary Assembly shall adopt its rules of procedure within six months of the entry into force of this agreement.

PART 3

COOPERATION STRATEGIES

ARTICLE 18

The cooperation strategies shall be based on development strategies and economic and trade cooperation which are interlinked and complementary. The Parties shall ensure that the efforts undertaken in both aforementioned areas are mutually reinforcing.

TITLE I

DEVELOPMENT STRATEGIES

CHAPTER 1

GENERAL FRAMEWORK

ARTICLE 19

Principles and objectives

1. The central objective of ACP-EC cooperation is poverty reduction and ultimately its eradication; sustainable development; and progressive integration of the ACP countries into the world economy. In this context, cooperation framework and orientations shall be tailored to the individual circumstances of each ACP country, shall promote local ownership of economic and social reforms and the integration of the private sector and civil society actors into the development process.
2. Cooperation shall refer to the conclusions of United Nations Conferences and to the objectives, targets and action programmes agreed at international level and to their follow up as a basis for development principles. Cooperation shall also refer to the international development cooperation targets and shall pay particular attention to putting in place qualitative and quantitative indicators of progress. **The Parties will make concerted efforts to accelerate progress towards the attainment of the Millennium Development Goals.**
3. Governments and non-State actors in each ACP country shall initiate consultations on country development strategies and community support thereto.

ARTICLE 20

The Approach

1. The objectives of ACP-EC development cooperation shall be pursued through integrated strategies that incorporate economic, social, cultural, environmental and institutional elements that must be locally owned. Cooperation shall thus provide a coherent enabling framework of support to the ACP's own development strategies, ensuring complementarity and interaction between the various elements, **in particular at, and between, the national and regional levels.** In this context and within the framework of development policies and

reforms pursued by the ACP States, ACP-EC cooperation strategies **at national and, where appropriate, at regional levels** shall aim at:

a) achieving rapid and sustained job-creating economic growth, developing the private sector, increasing employment, improving access to productive economic activities and resources;

(aa) fostering regional cooperation and integration;

b) promoting human and social development helping to ensure that the fruits of growth are widely and equitably shared and promoting gender equality;

c) promoting cultural values of communities and specific interactions with economic, political and social elements;

d) promoting institutional reforms and development, strengthening the institutions necessary for the consolidation of democracy, good governance and for efficient and competitive market economies; and building capacity for development and partnership; and

e) promoting environmental sustainability, regeneration and best practices, and the preservation of natural resource base.

2. Systematic account shall be taken in mainstreaming into all areas of cooperation the following thematic or cross-cutting themes: **human rights, gender issues, democracy, good governance, environmental sustainability, climate change, communicable and non-communicable diseases** and institutional development and capacity building. These areas shall also be eligible for Community support.

3. The detailed texts as regards development cooperation objectives and strategies, in particular sectoral policies and strategies shall be incorporated in a compendium providing operational guidelines in specific areas or sectors of cooperation. These texts may be revised, reviewed and/or amended by the Council of Ministers on the basis of a recommendation from the ACP-EC Development Finance Cooperation Committee.

CHAPTER 2 AREAS OF SUPPORT

SECTION 1 ECONOMIC DEVELOPMENT

ARTICLE 21 Investment and private sector development

1. Cooperation shall support the necessary economic and institutional reforms and policies at national and/or regional level, aiming at creating a favourable environment for

investment, and the development of a dynamic, viable and competitive private sector. Cooperation shall further support:

- a) the promotion of public-private sector dialogue and cooperation;
- b) the development of entrepreneurial skills and business culture;
- c) privatisation and enterprise reform; and
- d) development and modernisation of mediation and arbitration systems.

2. Cooperation shall also support improving the quality, availability and accessibility of financial and non-financial services to private enterprises, both formal and informal; by:

- a) catalysing and leveraging flows of private savings, both domestic and foreign, into the financing of private enterprises by supporting policies for developing a modern financial sector including a capital market, financial institutions and sustainable microfinance operations;
- b) development and strengthening of business institutions and intermediary organisations, associations, chambers of commerce and local providers from the private sector supporting and providing non-financial services to enterprises such as professional, technical, management, training and commercial support services; and
- c) supporting institutions, programmes, activities and initiatives that contribute to the development and transfer of technologies and know how and best practices on all aspects of business management.

3. Cooperation shall promote business development through the provision of finance, guarantee facilities and technical support aimed at encouraging and supporting the creation, establishment, expansion, diversification, rehabilitation, restructuring, modernisation or privatisation of dynamic, viable and competitive enterprises in all economic sectors as well as financial intermediaries such as development finance and venture capital institutions, and leasing companies by:

- a) creating and/or strengthening financial instruments in the form of investment capital;
- b) improving access to essential inputs such as business information and advisory, consultancy or technical assistance services;
- c) **enhancing** export activities, in particular through capacity building in all trade-related areas; and
- d) encouraging inter-firm linkages, networks and cooperation including those involving the transfer of technology and know-how at national, regional and ACP EU levels, and partnerships with private foreign investors which are consistent with the objectives and guidelines of ACP-EC Development cooperation.

4. Cooperation shall support microenterprise development through better access to financial and non-financial services; an appropriate policy and regulatory framework for their

development; and provide training and information services on best practices in microfinance.

5. Support for investment and private sector development shall integrate actions and initiatives at macro, meso and micro economic levels **and promote the search for innovative financing mechanisms, including the blending and leveraging of private and public sources for development funding.**

6. Cooperation shall support investments in basic infrastructure by the public sector aimed at private sector development, economic growth and poverty eradication.

ARTICLE 22

Macroeconomic and structural reforms and policies

1. Cooperation shall support ACP efforts to implement:

a) macroeconomic growth and stabilisation through disciplined fiscal and monetary policies that result in the reduction of inflation, and improve external and fiscal balances, by strengthening fiscal discipline, enhancing budgetary transparency and efficiency, improving the quality, the equity and composition of fiscal policy; and

b) structural policies designed to reinforce the role of the different actors, especially the private sector and improve the environment for **enhanced domestic resource mobilisation and** increases in business, investment and employment, as well as:

i) liberalise trade and foreign exchange regimes and current account convertibility, having regard to the particular circumstances of each country;

ii) strengthen labour and product-market reforms;

iii) encourage financial systems reforms which help to develop viable banking and non-banking systems, capital markets and financial services, including micro finance;

iv) improve the quality of private and public services; and

v) encourage regional cooperation and progressive integration of macroeconomic and monetary policies.

2. The design of macroeconomic policies and structural adjustment programmes shall reflect the socio political background and institutional capacity of the countries concerned, ensure a positive impact on poverty reduction and social services access and shall be based on the following principles:

a) the ACP States shall bear primary responsibility for the analysis of the problems to be solved, the design and the implementation of the reforms;

b) support programmes shall be adapted to the different situation in each ACP State and be sensitive to the social conditions, culture and environment of these States;

c) the right of the ACP States to determine the direction and the sequencing of their development strategies and priorities shall be recognised and respected;

d) the pace of reforms shall be realistic and compatible with each ACP State's capacities and resources; and

e) strengthening the communication and the information of populations on economic and social reforms and policies.

ARTICLE 23

Economic sector development

Cooperation shall support sustainable policy and institutional reforms and the investments necessary for equitable access to economic activities and productive resources, particularly:

a) the development of training systems that help increase productivity in both the formal and the informal sectors;

b) capital, credit, land, especially as regards property rights and use;

c) development of rural strategies aimed at establishing a framework for participatory decentralised planning, resource allocation and management;

(d) the development of strategies with a view to enhancing agricultural production and productivity in ACP States by providing, in particular, the necessary financing for agricultural research, agricultural inputs and services, supportive rural infrastructure, and risk reduction and management. Support shall include public and private investments in agriculture, encouragement to develop agricultural policies and strategies, strengthening of farmer and private sector organisations, management of natural resources, and development and functioning of agricultural markets. The agricultural production strategies shall reinforce national and regional food-security policies and regional integration. In this context, cooperation shall support ACP efforts to enhance the competitiveness of their commodity exports and to adapt their commodity export strategies in the light of evolving trade conditions;

e) sustainable development of water resources, based on integrated water resources management principles, ensuring equitable and sustainable distribution of shared water resources between their different uses;

f) sustainable development of aquaculture and fisheries which include both inland fisheries and marine resources within the economic exclusive zones of the ACP States;

g) economic and technological infrastructure and services, including transport, telecommunication systems, communication services and the development of information society;

h) development of competitive industrial, mining and energy sectors, while encouraging private sector involvement and development;

i) trade development, including the promotion of fair trade;

- j) development of business, finance and banking; and other service sectors;
 - k) tourism development; and
 - l) development of scientific, technological and research infrastructure and services; including the enhancement, transfer and absorption of new technologies;
 - m) the strengthening of capacities in productive areas, especially in public and private sectors;
 - n) the promotion of traditional knowledge.
- (o) development and implementation of specific adaptation strategies addressing the impact of preference erosion, possibly including activities mentioned in points (a) to (n) above.**

ARTICLE 23A Fisheries

Recognising the key role that fisheries and aquaculture play in ACP countries through their positive contribution to employment creation, revenue generation, food security, and livelihoods of rural and coastal communities, and hence to poverty reduction, cooperation shall aim at further developing the aquaculture and fisheries sectors of ACP countries in order to increase the associated social and economic benefits in a sustainable manner.

Cooperation programmes and activities shall support, inter alia, the development and implementation of sustainable aquaculture and fisheries development strategies and management plans in ACP countries and regions; the mainstreaming of aquaculture and fisheries into national and regional development strategies; the development of the infrastructure and technical know-how necessary to enable ACP countries to yield maximum sustainable value from their fisheries and aquaculture; capacity building of ACP countries to overcome external challenges that hinder them from taking full advantage of their fisheries resources; and the promotion and development of joint ventures for investment in the fisheries and aquaculture sectors of ACP countries. Any fishery agreement that may be negotiated between the Community and the ACP States shall give due consideration to consistency with the development strategies in this area.

High-level consultations, including at ministerial level, may be held upon joint agreement with a view to developing, improving and/or strengthening ACP-EU development cooperation in sustainable aquaculture and fisheries.

ARTICLE 24 Tourism

Cooperation will aim at the sustainable development of the tourism industry in ACP countries and sub regions, recognising its increasing importance to the growth of the services sector in ACP countries and to the expansion of their global trade, its ability to stimulate other sectors of economic activity, and the role it can play in poverty eradication.

Cooperation programmes and projects will support the efforts of ACP countries to establish and improve the countries legal and institutional framework and resources for the development and implementation of sustainable tourism policies and programmes, as well as inter alia, improving the competitive position of the sector, especially small and medium-sized enterprises (SMEs), investment support and promotion, product development including the development of indigenous cultures in ACP countries, and strengthening linkages between tourism and other sectors of economic activity.

SECTION 2 SOCIAL AND HUMAN DEVELOPMENT

ARTICLE 25 Social sector development

1. Cooperation shall support ACP States' efforts at developing general and sectoral policies and reforms which improve the coverage, quality of and access to basic social infrastructure and services and take account of local needs and specific demands of the most vulnerable and disadvantaged, thus reducing the inequalities of access to these services. Special attention shall be paid to ensuring adequate levels of public spending in the social sectors. In this context, cooperation shall aim at:

a) improving education and training **at all levels, working towards recognition of tertiary education qualifications, establishment of quality assurance systems for education, including education and training delivered on-line or through other non-conventional means**, and building technical capacity and skills;

b) improving health systems, **in particular equitable access to comprehensive and quality health care services**, and nutrition, eliminating hunger and malnutrition, ensuring adequate food supply and security, **including through supporting safety nets**;

c) integrating population issues into development strategies in order to improve reproductive health, primary health care, family planning; and prevention of female genital mutilation;

d) promoting the fight against:

-HIV/AIDS, ensuring the protection of sexual and reproductive health and rights of women;

- other poverty-related diseases, particularly malaria and tuberculosis;

e) increasing the security of household water and improving access to safe water and adequate sanitation;

f) improving the availability of affordable and adequate shelter for all through supporting low cost and low income housing programs and improving urban development; and

g) encouraging the promotion of participatory methods of social dialogue as well as respect for basic social rights.

Cooperation shall also support capacity-building in social areas such as programmes for training in the design of social policies and modern methods for managing social projects and programmes; policies conducive to technological innovation and research; building local expertise and promoting partnerships; and round-table discussions at national and/or regional level.

Cooperation shall promote and support the development and implementation of policies and of systems of social protection and security in order to enhance social cohesion and to promote self help and community solidarity. The focus of the support shall, inter-alia, be on developing initiatives based on economic solidarity, particularly by setting-up social development funds adapted to local needs and actors.

ARTICLE 26 **Youth issues**

Cooperation shall also support the establishment of a coherent and comprehensive policy for realising the potential of youth so that they are better integrated into society to achieve their full potential. In this context, cooperation shall support policies, measures and operations aimed at:

a) protecting the rights of children and youth, especially those of girl children;

b) promoting the skills, energy, innovation and potential of youth in order to enhance their economic, social and cultural opportunities and enlarge their employment opportunities in the productive sector;

c) helping community-based institutions to give children the opportunity to develop their physical, psychological, social and economic potential;

d) reintegrating into society children in post conflict situations through rehabilitation programmes; and

e) promoting the active participation of young citizens in public life and fostering student exchanges and interaction of ACP and EU youth organisations.

ARTICLE 27 **Culture and development**

Cooperation in the area of culture shall aim at:

a) integrating the cultural dimension at all levels of development cooperation;

b) recognising, preserving and promoting cultural values and identities to enable inter cultural dialogue;

c) recognising, preserving and promoting **the value of cultural heritage; supporting the development of capacity in this sector;**

d) developing cultural industries and enhancing market access opportunities for cultural goods and services.

(e) recognising and supporting the role of cultural actors and cultural networks, and their contribution to sustainable development; and

(f) promoting the cultural dimension in education and the participation of youth in cultural activities.

SECTION 3 REGIONAL COOPERATION AND INTEGRATION

ARTICLE 28 General approach

1. ACP-EU cooperation shall provide effective assistance to achieve the objectives and priorities which the ACP States have set themselves in the context of regional cooperation and integration.

2. In conformity with the general objectives set out in Articles 1 and 20, ACP-EU cooperation shall aim to:

(a) promote peace and stability, as well as conflict prevention and resolution;

(b) enhance economic development and economic cooperation through the build-up of larger markets, the free movement of persons, goods, services, capital, labour and technology among ACP countries, the accelerated diversification of the economies of the ACP States, the promotion and expansion of trade among ACP countries and with third countries and the gradual integration of the ACP States into the world economy;

(c) promote the management of sustainable development challenges with a transnational dimension through, inter alia, coordination and harmonisation of regional cooperation policies.

3. Under the conditions set out in Article 58, cooperation shall also support inter-regional and intra-ACP cooperation such as that involving:

(a) one or several ACP regional organisations, including at continental level;

(b) European Overseas Countries and Territories (OCTs) and outermost regions;

(c) non-ACP developing countries.

ARTICLE 29

ACP-EU cooperation in support of regional cooperation and integration

1. In the area of stability, peace and conflict prevention, cooperation shall support:

(a) the promotion and development of a regional political dialogue in areas of conflict prevention and resolution; human rights and democratisation; exchange, networking, and promotion of mobility between the different actors of development, in particular in civil society;

(b) the promotion of regional initiatives and policies on security-related issues, including arms control, action against drugs, organised crimes, money laundering, bribery and corruption.

2. In the area of regional economic integration, cooperation shall support:

a) the participation of Least Developed Countries (LDC) ACP States in the establishment of regional markets and sharing the benefits there from;

b) the implementation of sectoral **economic** reform policies at regional level;

c) the liberalisation of trade and payments;

d) the promotion of cross border investments both foreign and domestic, and other regional or sub regional economic integration initiatives;

e) the mitigation of the effects of net transitional costs of regional integration on budget revenue and balance of payments; **and**

(f) infrastructure, particularly transport and communications and safety thereof, and services, including the development of regional opportunities in the area of Information and Communication Technologies (ICT).

3. In the area of regional policies for sustainable development, cooperation shall support the priorities of ACP regions and, in particular:

a) the environment **and the sustainable management of natural resources, including water and energy, and addressing climate change;**

(b) food security and agriculture;

(c) health, education and training;

(d) research and technological development; and

(e) regional initiatives for disaster preparedness and mitigation **as well as post-disaster reconstruction.**

ARTICLE 30

Capacity building in support of ACP regional cooperation and integration

With a view to realising the effectiveness and efficiency of regional policies, cooperation shall develop and strengthen the capacities of:

- (a) regional integration institutions and organisations set up by the ACP States and those with ACP State participation that promote regional cooperation and integration;
- (b) national governments and parliaments in matters of regional integration; **and**
- (c) non-State actors, including the private sector.**

SECTION 4 THEMATIC AND CROSS-CUTTING ISSUES

ARTICLE 31 **Gender issues**

Cooperation shall help strengthen policies and programmes that improve, ensure and broaden the equal participation of men and women in all spheres of political, economic, social and cultural life. Cooperation shall help improve the access of women to all resources required for the full exercise of their fundamental rights. More specifically, cooperation shall create the appropriate framework to:

- a) integrate a gender-sensitive approach and concerns at every level of development cooperation including macroeconomic policies, strategies and operations; and
- b) encourage the adoption of specific positive measures in favour of women such as:
 - i) participation in national and local politics;
 - ii) support for women's organisations;
 - iii) access to basic social services, especially to education and training, health care and family planning;
 - iv) access to productive resources, especially to land and credit and to labour market; and
 - v) taking specific account of women in emergency aid and rehabilitation operations.

ARTICLE 31a
HIV/AIDS

Cooperation shall support the efforts of ACP States to develop and strengthen across all sectors policies and programmes aimed at addressing the HIV/AIDS pandemic and preventing it from hampering development. It shall support ACP States in scaling up towards and sustaining universal access to HIV/AIDS prevention, treatment, care and support and shall in particular aim at:

(a) supporting the development and implementation of comprehensive multi-sectoral strategies and plans for HIV/AIDS as a priority in national and regional development plans;

(b) involving, in national responses to HIV/AIDS, all appropriate development sectors and ensuring a broad mobilisation of stakeholders at all levels;

(c) strengthening national health systems and addressing shortages in human resources for health as the basis for ensuring universal access to, and the effective integration of, HIV/AIDS prevention, treatment and care and other health services;

(d) addressing gender inequality, gender-based violence and abuse, as drivers of the HIV/AIDS pandemic and intensifying efforts to safeguard women's and girls' rights, develop effective gender sensitive HIV/AIDS programmes and services for women and girls, including those related to sexual and reproductive health and rights, and to support the full involvement of women in planning and decision making related to HIV/AIDS strategies and programmes;

(e) developing supportive legal and policy frameworks and removing punitive laws, policies, practices, stigma and discrimination that undermine human rights, increase vulnerability to HIV/AIDS and inhibit access to effective HIV/AIDS prevention, treatment, care and support, including medicines, commodities and services for people living with HIV/AIDS and for the populations most at risk;

(f) scaling up access to evidence-based, comprehensive HIV/AIDS prevention, which address the local drivers of the epidemic and the specific needs of women, young people and the populations most at risk; and

(g) ensuring universal and reliable access to safe, high-quality and affordable medicines, and to health commodities, including sexual and reproductive health commodities.

ARTICLE 32
Environment and natural resources

1. Cooperation on environmental protection and sustainable utilisation and management of natural resources shall aim at:

a) mainstreaming environmental sustainability into all aspects of development cooperation and support programmes and projects implemented by the various actors;

b) building and/or strengthening the scientific and technical human and institutional capacity for environmental management for all environmental stakeholders;

c) supporting specific measures and schemes aimed at addressing critical sustainable management issues and also relating to current and future regional and international commitments concerning mineral and natural resources such as:

i) tropical forests, water resources, coastal, marine and fisheries resources, wildlife, soils, biodiversity;

ii) protection of fragile ecosystems (e.g. coral reef);

iii) renewable energy sources notably solar energy and energy efficiency;

iv) sustainable rural and urban development;

v) desertification, drought and deforestation;

vi) developing innovative solutions to urban environmental problems; and

vii) promotion of sustainable tourism.

d) Taking into account issues relating to the transport and disposal of hazardous waste.

2. Cooperation shall also take account of:

a) the vulnerability of small island ACP countries, especially to the threat posed by climate change;

b) the worsening drought and desertification problems especially of least developed and land locked countries; and

c) Institutional development and capacity building

ARTICLE 32A Climate change

The Parties acknowledge that climate change is a serious global environmental challenge and a threat to the achievement of the Millennium Development Goals requiring adequate, predictable and timely financial support. For these reasons, and in accordance with the provisions of Article 32, and particularly of point (a) of paragraph 2 thereof, cooperation shall:

(a) recognise the vulnerability of ACP States and in particular of small islands and low-lying ACP States to climate-related phenomena such as coastal erosion, cyclones, flooding and environmentally induced displacements, and in particular of least developed and landlocked ACP States to increasing floods, drought, deforestation and desertification;

(b) strengthen and support policies and programmes to mitigate and adapt to the consequences of, and threat posed by, climate change including through institutional development and capacity building;

(c) enhance the capacity of ACP States in the development of, and the participation in, the global carbon market; and

(d) focus on the following activities:

(i) integrating climate change into development strategies and poverty reduction efforts;

(ii) raising the political profile of climate change in development cooperation, including through appropriate policy dialogue;

(iii) assisting ACP states to adapt to climate change in relevant sectors such as agriculture, water management and infrastructure, including through transfer and adoption of relevant and environmentally sound technologies;

(iv) promoting disaster risk reduction, reflecting that an increasing proportion of disasters are related to climate change;

(v) providing financial and technical support for mitigation action of ACP states in line with their poverty reduction and sustainable development objectives, including reducing emissions from deforestation and forest degradation and reducing emissions in the agricultural sector;

(vi) improving weather and climate information and forecasting and early warning systems; and

(vii) promoting renewable energy sources, and low-carbon technologies that enhance sustainable development.

ARTICLE 33

Institutional development and capacity building

1. Cooperation shall pay systematic attention to institutional aspects and in this context, shall support the efforts of the ACP States to develop and strengthen structures, institutions and procedures that help to:

a) promote and sustain democracy, human dignity, social justice and pluralism, with full respect for diversity within and among societies;

b) promote and sustain universal and full respect for and observance and protection of all human rights and fundamental freedoms;

c) develop and strengthen the rule of law; and improve access to justice, while guaranteeing the professionalism and independence of the judicial systems; and

d) ensure transparent and accountable governance and administration in all public institutions.

2. The Parties shall work together in the fight against bribery and corruption in all their societies.

3. Cooperation shall support ACP States' efforts to develop their public institutions into a positive force for growth and development and to achieve major improvements in the efficiency of government services as they affect the lives of ordinary people. In this context, cooperation shall assist the reform, rationalisation and the modernisation of the public sector. Specifically, cooperation support shall focus on:

- a) the reform and modernisation of the civil service;
- b) legal and judicial reforms and modernisation of justice systems;
- c) improvement and strengthening of public finance and fiscal management **with a view to developing economic activities in ACP countries and increasing their tax revenues, whilst fully respecting the sovereignty of the ACP States in this area.**

Measures may include:

(i) enhancing capacities for domestic revenue management, including the building of effective, efficient and sustainable tax systems;

(ii) promoting the participation in international tax cooperation structures and processes with a view to facilitating the further development of and effective compliance with international standards;

(iii) supporting implementation of international best practices in tax matters, including the principle of transparency and exchange of information, in those ACP countries that have committed to them;

- d) accelerating reforms of the banking and financial sector;
- e) improvement of the management of public assets and reform of public procurement procedures; and
- f) political, administrative, economic and financial decentralisation.

4. Cooperation shall also assist to restore and/or enhance critical public sector capacity and to support institutions needed to underpin a market economy, especially support for:

- a) developing legal and regulatory capabilities needed to cope with the operation of a market economy, including competition policy and consumer policy;
- b) improving capacity to analyse, plan, formulate and implement policies, in particular in the economic, social, environmental, research, science and technology and innovation fields;
- c) modernising, strengthening and reforming financial and monetary institutions and improving procedures;

d) building the capacity at the local and municipal levels which is required to implement decentralisation policy and to increase the participation of the population in the development process; and

e) developing capacity in other critical areas such as:

i) international negotiations; and

ii) management and coordination of external aid.

5. Cooperation shall span all areas and sectors of cooperation to foster the emergence of non State actors and the development of their capacities; and to strengthen structures for information, dialogue and consultation between them and the national authorities, including at regional level.

TITLE II ECONOMIC AND TRADE COOPERATION

CHAPTER 1 OBJECTIVES AND PRINCIPLES

ARTICLE 34 Objectives

1. Economic and trade cooperation shall aim at fostering the smooth and gradual integration of the ACP States into the world economy, with due regard for their political choices and development priorities, thereby promoting their sustainable development and contributing to poverty eradication in the ACP countries.

2. The ultimate objective of economic and trade cooperation is to enable the ACP States to play a full part in international trade. In this context, particular regard shall be had to the need for the ACP States to participate actively in multilateral trade negotiations. Given the current level of development of the ACP countries, economic and trade cooperation shall be directed at enabling the ACP States to manage the challenges of globalisation and to adapt progressively to new conditions of international trade thereby facilitating their transition to the liberalised global economy. **In this context, close attention should be paid to many ACP countries' vulnerability resulting from their dependency on commodities or a few key products, including value-added agro-industry products, and the risk of preference erosion.**

3. To this end economic and trade cooperation shall aim, **through national and regional development strategies as defined in Title I**, at enhancing the production, supply and trading capacity of the ACP countries as well as their capacity to attract investment. It shall further aim at creating a new trading dynamic between the Parties, at strengthening the ACP countries trade and investment policies, **at reducing their dependency on commodities, at promoting more diversified economies** and at improving the ACP countries' capacity to handle all issues related to trade.

4. Economic and trade cooperation shall be implemented in full conformity with the provisions of the WTO, including special and differential treatment, taking account of the Parties' mutual interests and their respective levels of development. **It shall also address the effects of preference erosion in full conformity with multilateral commitments.**

ARTICLE 35 Principles

1. Economic and trade cooperation shall be based on a true, strengthened and strategic partnership. It shall further be based on a comprehensive approach which builds on the strengths and achievements of the previous ACP-EC Conventions.
2. Economic and trade cooperation shall build on regional integration initiatives of ACP States. **Cooperation in support of regional cooperation and integration as defined in Title I and economic and trade cooperation shall be mutually reinforcing. Economic and trade cooperation shall address, in particular, supply and demand side constraints, notably interconnectivity of infrastructure, economic diversification and trade development measures as a means of enhancing ACP States' competitiveness. Appropriate weight shall therefore be given to the corresponding measures in the ACP States' and regions' development strategies, which the Community shall support, in particular through the provision of aid for trade.**
3. Economic and trade cooperation shall take account of the different needs and levels of development of the ACP countries and regions. In this context, the Parties reaffirm their attachment to ensuring special and differential treatment for all ACP countries and to maintaining special treatment for ACP LDCs and to taking due account of the vulnerability of small, landlocked and island countries.

CHAPTER 2 NEW TRADING ARRANGEMENTS

ARTICLE 36 Modalities

1. In view of the objectives and principles set out above, the Parties agree to **take all the necessary measures to ensure the conclusion of new WTO-compatible Economic Partnership Agreements**, removing progressively barriers to trade between them and enhancing cooperation in all areas relevant to trade.
2. **The Economic Partnership Agreements, as development instruments, aim to foster smooth and gradual integration of the ACP States into the world economy, especially by making full use of the potential of regional integration and South-South trade.**
3. **The Parties agree that these new trading arrangements shall be introduced gradually.**

ARTICLE 37
Procedures

- 1. During the negotiations of the Economic Partnership Agreements, capacity building shall be provided in accordance with the provisions of Title I and Article 35 to the public and private sectors of ACP countries, including** the public and private sectors of ACP countries, including measures to enhance competitiveness, for strengthening of regional organisations and for support to regional trade integration initiatives, where appropriate with assistance to budgetary adjustment and fiscal reform, as well as for infrastructure upgrading and development, and for investment promotion.
- 2.** The Parties will regularly review the progress **of negotiations as foreseen in Article 38.**
- 3.** Negotiations of the **Economic Partnership Agreements** will be **pursued** with ACP countries which consider themselves in a position to do so, at the level they consider appropriate and in accordance with the procedures agreed by the ACP Group, **and with a view to supporting** regional integration process within the ACP.
- 4.** Negotiations of the **Economic Partnership Agreements** shall aim notably at establishing the timetable for the progressive removal of barriers to trade between the Parties, in accordance with the relevant WTO rules. On the Community side trade liberalisation shall build on the *acquis* and shall aim at improving current market access for the ACP countries through *inter alia*, a review of the rules of origin. Negotiations shall take account of the level of development and the socio economic impact of trade measures on ACP countries, and their capacity to adapt and adjust their economies to the liberalisation process. Negotiations will therefore be as flexible as possible in establishing the duration of a sufficient transitional period, the final product coverage, taking into account sensitive sectors, and the degree of asymmetry in terms of timetable for tariff dismantlement, while remaining in conformity with WTO rules then prevailing.
- 5.** The Parties shall closely cooperate and collaborate in the WTO with a view to defending the arrangements reached, in particular with regard to the degree of flexibility available.
- 6. The Parties shall discuss further how to** simplify and review the rules of origin, including cumulation provisions that apply to their exports.
- 7. Once ACP States have concluded an Economic Partnership Agreement, those ACP States which are not Parties to such Agreement can seek accession at any time.**
- 8. In the context of ACP-EU cooperation in support of ACP regional cooperation and integration as outlined in Title I, and in accordance with Article 35, the Parties shall pay particular attention to the needs arising from the implementation of the Economic Partnership Agreements. The principles outlined in Article 1 of Annex IV to this Agreement shall apply. To that effect, the Parties agree on the use of existing or new regional financing mechanisms through which resources from the multi-annual financial framework of cooperation and other additional resources could be channeled.**

ARTICLE 37A

Other trading arrangements

1. In the context of the current trade policy trends aiming at greater liberalisation of trade the EU and the ACP States may take part in negotiations and implementation of agreements leading to further multilateral and bilateral trade liberalisation. Such liberalisation may lead to the erosion of the preferences granted to the ACP States and affect their competitive position in the EU market, as well as their development efforts, which the EU is concerned to support.
2. In accordance with the objectives of economic and trade cooperation, the EU shall endeavour to pursue measures to overcome possible negative impacts of liberalisation, with a view to maintaining significant preferential access within the multilateral trading system for ACP States for as long as is feasible and to ensure that any unavoidable reduction in preference is phased in over as long a period as possible.

ARTICLE 38

Joint Ministerial Trade Committee

1. A Joint ACP-EC Ministerial Trade Committee shall be established.
2. The Ministerial Trade Committee shall discuss any trade-related issue of concern to all ACP States and, in particular, regularly monitor the negotiations and implementation of Economic Partnership Agreements. It shall pay special attention to current multilateral trade negotiations and shall examine the impact of the wider liberalisation initiatives on ACP-EC trade and the development of ACP economies. It shall report and make appropriate recommendations to the Council of Ministers, including on any supportive measures, with a view to enhancing the benefits of the ACP-EC trading arrangements.
3. The Ministerial Trade Committee shall meet at least once a year. Its rules of procedure shall be laid down by the Council of Ministers. It shall be composed of representatives of the ACP States and of the Community.

ARTICLE 38A

Consultations

1. Where new measures or measures stipulated in programmes adopted by the Community for the approximation of laws and regulations in order to facilitate trade are likely to affect the interests of one or more ACP States, the Community shall, prior to adopting such measures, inform the Secretariat of the ACP Group and the ACP States concerned.
2. In order to enable the Community to take into consideration the interests of the ACP Group, consultations shall be held at the request of the latter in accordance with the provisions of Article 12 of this Agreement, with a view to reaching a satisfactory solution.
3. Where existing Community rules or regulations adopted in order to facilitate trade affect the interests of one or more ACP States or where these interests are affected by the interpretation, application or administration of such rules or regulations, consultations shall

be held at the request of the ACP States concerned in accordance with the provisions of Article 12 with a view to reaching a satisfactory solution.

4. With a view to finding a satisfactory solution, the Parties may also bring up within the Joint Ministerial Trade Committee any other problems relating to trade which might result from measures taken or envisaged by the Member States.

5. The Parties shall inform each other of such measures in order to ensure effective consultations.

6. The Parties agree that holding consultations within, and providing information through, the institutions of an Economic Partnership Agreement on matters within the scope of such agreements shall be deemed to also satisfy the provisions of this Article and of Article 12 of this Agreement, provided that the ACP States likely to be affected are all signatories to the Economic Partnership Agreement within which the consultations were held or information was provided.

CHAPTER 3 COOPERATION IN THE INTERNATIONAL FORA

ARTICLE 39 General Provisions

1. The Parties underline the importance of their active participation in the WTO as well as in other relevant international organisations by becoming members of these organisations and closely following their agenda and activities.

2. They agree to cooperate closely in identifying and furthering their common interests in international economic and trade cooperation in particular in the WTO, including participation in setting and conducting the agenda in future multilateral trade negotiations. In this context, particular attention shall be paid to improve access to the Community and other markets for products and services originating in the ACP countries.

3. They also agree on the importance of flexibility in WTO rules to take account of the ACP's level of development as well of the difficulties faced in meeting their obligations. They further agree on the need for technical assistance to enable the ACP countries to implement their commitments.

4. The Community agrees to assist the ACP States in their efforts, in accordance with the provisions set out in this Agreement, to become active members of these organisations, by developing the necessary capacity to negotiate, participate effectively, monitor and implement these agreements.

ARTICLE 40
Commodities

1. The Parties recognise the need to ensure a better operation of international commodity markets and to increase market transparency.
2. They confirm their willingness to step up consultations between them in the international fora and organisations dealing with commodities.
3. To this end, exchange of views shall take place at the request of either Party:
 - regarding the operation of existing international agreements or specialised intergovernmental working parties with the aim of improving them and making them more effective, consistent with market trends;
 - when it is proposed to conclude or renew an international agreement or set up a specialised intergovernmental working party.

The aim of such exchanges of views shall be to take account of the respective interest of each party. They may take place, where necessary, in the framework of the Ministerial Trade Committee.

**CHAPTER 4
TRADE IN SERVICES**

ARTICLE 41
General Provisions

1. The Parties underline the growing importance of services in international trade and their major contribution to economic and social development.
2. They reaffirm their respective commitments under the General Agreement on Trade in Services (GATS), and underline the need for special and differential treatment to ACP suppliers of services.
3. In the framework of the negotiations for progressive liberalisation in trade and services, as provided for in Article XIX of GATS, the Community undertakes to give sympathetic consideration to the ACP States' priorities for improvement in the EC schedule, with a view to meeting their specific interests.
4. The Parties further agree on the objective of extending under the economic partnership agreements, and after they have acquired some experience in applying the Most Favoured Nation (MFN) treatment under GATS, their partnership to encompass the liberalisation of services in accordance with the provisions of GATS and particularly those relating to the participation of developing countries in liberalisation agreements.
5. The Community shall support, **through national and regional development strategies as defined in Title I and in conformity with Article 35**, the ACP States' efforts to strengthen their capacity in the supply of services. Particular attention shall be paid to services related

to labour, business, distribution, finance, tourism, culture and construction and related engineering services with a view to enhancing their competitiveness and thereby increasing the value and the volume of their trade in goods and services.

ARTICLE 42

Maritime Transport

1. The Parties acknowledge the importance of cost-effective and efficient maritime transport services in a safe and clean marine environment as the main mode of transportation facilitating international trade and thereby constituting one of the forces behind economic development and the development of trade.
2. They undertake to promote the liberalisation of maritime transport and to this end apply effectively the principle of unrestricted access to the international maritime transport market on a non discriminatory and commercial basis.
3. Each Party shall grant, inter alia, a treatment no less favourable than that accorded to its own ships, for ships operated by nationals or companies of the other Party, and for ships registered in the territory of either party, with respect to access to ports, the use of infrastructure and auxiliary maritime services of those ports, as well as related fees and charges, customs facilities and the assignment of berths and facilities for loading and unloading.
4. The Community shall support, **through national and regional development strategies as defined in Title I and in conformity with Article 35**, the ACP States' efforts to develop and promote cost effective and efficient maritime transport services in the ACP States with a view to increasing the participation of ACP operators in international shipping services.

ARTICLE 43

Information and Communication Technologies, and Information Society

1. The Parties recognise the important role of information and communication technologies, as well as the active participation in the Information Society, as a prerequisite for the successful integration of the ACP countries into the world economy.
2. They therefore reconfirm their respective commitments under existing multilateral agreements; in particular the protocol on Basic Telecommunications attached to the GATS, and invites those ACP countries, which are not yet members of these agreements, to accede to them.
3. They furthermore agree to participate fully and actively in any future international negotiation, which might be conducted in this area.
4. The Parties will therefore take measures that will enable inhabitants of ACP countries easy access to information and communication technologies, through, amongst other, the following measures:

- the development and encouragement of the use of affordable renewable energy resources;
- the development and deployment of more extensive low-cost wireless networks; and
- the development and encouragement of the use of local content for Information and Communication Technologies

5. The Parties also agree to step up cooperation between them in the area of information and communication technologies, and the Information Society. This cooperation shall, **through national and regional development strategies as defined in Title I and in conformity with Article 35**, in particular be directed towards greater complementarity and harmonisation of communication systems, at national, regional and international level and their adaptation to new technologies.

CHAPTER 5 TRADE RELATED AREAS

ARTICLE 44 General Provisions

1. The Parties acknowledge the growing importance of new areas related to trade in facilitating progressive integration of the ACP States into the world economy. They therefore agree to strengthen their cooperation in these areas by establishing full and coordinated participation in the relevant international fora and agreements.
2. The Community shall support the ACP States' efforts, **through national and regional development strategies as defined in Title I and in conformity with Article 35**, to strengthen their capacity to handle all areas related to trade, including, where necessary, improving and supporting the institutional framework.

ARTICLE 45 Competition Policy

1. The Parties agree that the introduction and implementation of effective and sound competition policies and rules are of crucial importance in order to improve and secure an investment friendly climate, a sustainable industrialisation process and transparency in the access to markets.
2. To ensure the elimination of distortions to sound competition and with due consideration to the different levels of development and economic needs of each ACP country, they undertake to implement national or regional rules and policies including the control and under certain conditions the prohibition of agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition. The Parties further agree to prohibit the abuse by one or more undertakings of a dominant position in the common market of the Community or in the territory of ACP States.

3. The Parties also agree to reinforce cooperation in this area with a view to formulating and supporting effective competition policies with the appropriate national competition agencies that progressively ensure the efficient enforcement of the competition rules by both private and state enterprises. Cooperation in this area shall, in particular, **through national and regional development strategies as defined in Title I and in conformity with Article 35**, include assistance in the drafting of an appropriate legal framework and its administrative enforcement with particular reference to the special situation of the Least Developed Countries.

ARTICLE 46
**Protection of Intellectual Property
Rights**

1. Without prejudice to the positions of the Parties in multilateral negotiations, the Parties recognise the need to ensure an adequate and effective level of protection of intellectual, industrial and commercial property rights, and other rights covered by TRIPS including protection of geographical indications, in line with the international standards with a view to reducing distortions and impediments to bilateral trade.

2. They underline the importance, in this context, of adherence to the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) to the WTO Agreement and the Convention on Biological Diversity (CBD).

3. They also agree on the need to accede to all relevant international conventions on intellectual, industrial and commercial property as referred to in Part I of the TRIPS Agreement, in line with their level of development.

4. The Community, its Member States and the ACP States may consider the conclusion of agreements aimed at protecting trademarks and geographical indications for products of particular interest of either Party.

5. For the purpose of this Agreement, intellectual property includes in particular copyright, including the copyright on computer programmes, and neighbouring rights, including artistic designs, and industrial property which includes utility models, patents including patents for bio-technological inventions and plant varieties or other effective sui generis systems, industrial designs, geographical indications including appellations of origin, trademarks for goods or services, topographies of integrated circuits as well as the legal protection of data bases and the protection against unfair competition as referred to in Article 10a of the Paris Convention for the Protection of Industrial Property and protection of undisclosed confidential information on know how.

6. The Parties further agree to strengthen their cooperation in this field. Upon request, on mutually agreed terms and conditions, **and through national and regional development strategies as defined in Title I and in conformity with Article 35**, cooperation shall inter alia extend to the following areas: the preparation of laws and regulations for the protection and enforcement of intellectual property rights, the prevention of the abuse of such rights by right holders and the infringement of such rights by competitors, the establishment and reinforcement of domestic and regional offices and other agencies including support for

regional intellectual property organisations involved in enforcement and protection, including the training of personnel.

ARTICLE 47

Standardisation and Certification

1. The Parties agree to cooperate more closely in the field of standardisation, certification and quality assurance to remove unnecessary technical barriers and to reduce differences between them in those areas, so as to facilitate trade.

In this context, they reaffirm their commitment under the Agreement on Technical Barriers to trade, annexed to the WTO Agreement (TBT Agreement).

2. Cooperation in standardisation and certification, **through national and regional development strategies as defined in Title I and in conformity with Article 35**, shall aim at promoting compatible systems between the Parties and in particular include:

- measures, in accordance with the TBT Agreement, to promote greater use of international technical regulations, standards and conformity assessment procedures, including sector specific measures, in accordance with the level of economic development of ACP countries,

- cooperation in the area of quality management and assurance in selected sectors of importance to the ACP States,

- support for capacity building initiatives in the ACP countries in the fields of conformity assessment, metrology and standardisation,

- developing functioning links between ACP and European standardisation, conformity assessment and certification institutions.

3. The Parties undertake to consider, in due course, negotiating mutual recognition agreements in sectors of mutual economic interest.

ARTICLE 48

Sanitary and Phytosanitary Measures

1. The Parties recognise the right of each Party to adopt or to enforce sanitary and phytosanitary measures necessary to protect human, animal or plant life or health, subject to the requirement that these measures do not constitute a means of arbitrary discrimination or a disguised restriction to trade, generally. To this end, they reaffirm their commitments under the Agreement on the Application of Sanitary and Phytosanitary Measures, annexed to the WTO Agreement (SPS Agreement), taking account of their respective level of development.

2. They further undertake to reinforce coordination, consultation and information as regards notification and application of proposed sanitary and phytosanitary measures, in accordance with the SPS Agreement whenever these measures might affect the interests of either Party.

They also agree on prior consultation and coordination within the CODEX ALIMENTARIUS, the International Office of Epizootics and the International Plant Protection Convention, with a view to furthering their common interests.

3. The Parties agree to strengthen their cooperation, **through national and regional development strategies as defined in Title I and in conformity with Article 35**, with a view to reinforcing the capacity of the public and the private sector of the ACP countries in this field.

ARTICLE 49 Trade and Environment

1. The Parties reaffirm their commitment to promoting the development of international trade in such a way as to ensure sustainable and sound management of the environment, in accordance with the international conventions and undertakings in this area and with due regard to their respective level of development. They agree that the special needs and requirements of ACP States should be taken into account in the design and implementation of environment measures, **including in relation to the provisions of Article 32a**.

2. Bearing in mind the Rio Principles and with a view to reinforcing the mutual supportiveness of trade and environment, the Parties agree to enhance their cooperation in this field. Cooperation shall in particular aim at the establishment of coherent national, regional and international policies, reinforcement of quality controls of goods and services related to the environment, the improvement of environment friendly production methods in relevant sectors.

3. The Parties agree that environmental measures should not be used for protectionist purposes.

ARTICLE 50 Trade and Labour Standards

1. The Parties reaffirm their commitment to the internationally recognised core labour standards, as defined by the relevant International Labour Organisation (ILO) Conventions, and in particular the freedom of association and the right to collective bargaining, the abolition of forced labour, the elimination of worst forms of child labour and non-discrimination in respect to employment.

2. They agree to enhance cooperation in this area, in particular in the following fields:

- exchange of information on the respective legislation and work regulation;
- the formulation of national labour legislation and strengthening of existing legislation;
- educational and awareness raising programmes;
- enforcement of adherence to national legislation and work regulation;

3. The Parties agree that labour standards should not be used for protectionist purposes.

ARTICLE 51
**Consumer Policy and Protection of
Consumer Health**

1. The Parties agree to step up their cooperation in the area of consumer policy and consumer health protection, having due regard to domestic legislation to avoid barriers to trade.
2. Cooperation shall, in particular, aim, **through national and regional development strategies as defined in Title I and in conformity with Article 35**, at improving the institutional and technical capacity in this area, establishing rapid alert systems of mutual information on dangerous products, exchanging information and experiences on the establishment and operation of post market surveillance of products and product safety, improving information provided to consumers on prices, characteristics of products and services offered, encouraging the development of independent consumer associations and contacts between consumer interest representatives, improving compatibility of consumer policies and systems, notifying enforcement of the legislation and promoting cooperation in investigating harmful or unfair business practices and implementing exports prohibitions in the trade between the Parties of goods and services the marketing of which has been prohibited in their country of production.

ARTICLE 52
Tax Carve-out Clause

1. Without prejudice to the provisions of Article 31 of Annexe IV, the Most Favoured Nation treatment granted in accordance with the provisions of this Agreement, or any arrangement adopted under this Agreement, does not apply to tax advantages which the Parties are providing or may provide in the future on the basis of agreements to avoid double taxation or other tax arrangements, or domestic fiscal legislation.
2. Nothing in this Agreement, or in any arrangements adopted under this Agreement, may be construed to prevent the adoption or enforcement of any measure aimed at preventing the avoidance or evasion of taxes pursuant to the tax provisions of agreements to avoid double taxation or other tax arrangements, or domestic fiscal legislation.
3. Nothing in this Agreement, or in any arrangements adopted under this Agreement, shall be construed to prevent the Parties from distinguishing, in the application of the relevant provisions of their fiscal legislation, between taxpayers who are not in the same situation, in particular with regard to their place of residence, or with regard to the place where their capital is invested.

CHAPTER 6
COOPERATION IN OTHER AREAS

ARTICLE 53
Fishery Agreements

1. The Parties declare their willingness to negotiate fishery agreements aimed at guaranteeing sustainable and mutually satisfactory conditions for fishing activities in ACP States.
2. In the conclusion or implementation of such agreements, the ACP States shall not discriminate against the Community or among the Member States, without prejudice to special arrangements between developing States within the same geographical area, including reciprocal fishing arrangements, nor shall the Community discriminate against ACP States.

ARTICLE 54
Food security

1. With regard to available agricultural products, the Community undertakes to ensure that export refunds can be fixed further in advance for all ACP States in respect of a range of products drawn up in the light of the food requirements expressed by those States.
2. Advance fixing shall be for one year and shall be applied each year throughout the life of this Agreement, it being understood that the level of the refund will be determined in accordance with the methods normally followed by the Commission.
3. Specific agreements may be concluded with those ACP States which so request in the context of their food security policies.
4. The specific agreements referred to in paragraph 3 shall not place in jeopardy production and trade flows in ACP regions.

PART 4

DEVELOPMENT FINANCE COOPERATION

TITLE I GENERAL PROVISIONS

CHAPTER 1 OBJECTIVES, PRINCIPLES, GUIDELINES AND ELIGIBILITY

ARTICLE 55 Objectives

The objectives of development finance cooperation shall be, through the provision of adequate financial resources and appropriate technical assistance, to support and promote the efforts of ACP States to achieve the objectives set out in this Agreement on the basis of mutual interest and in a spirit of interdependence

ARTICLE 56 Principles

1. Development finance cooperation shall be implemented on the basis of and be consistent with the development objectives, strategies and priorities established by the ACP States, at both national, regional **and intra-ACP** levels. Their respective geographical, social and cultural characteristics, as well as their specific potential, shall be taken into account. **Guided by the internationally agreed aid effectiveness agenda, cooperation shall be based on ownership, alignment, donor coordination and harmonisation, managing for development results and mutual accountability.** In **particular**, cooperation shall:

- a) promote local ownership at all levels of the development process;
- b) reflect a partnership based on mutual rights and obligations;
- c) emphasise the importance of predictability and security in resource flows, granted on highly concessional terms and on a continuous basis;
- d) be flexible and appropriate to the situation in each ACP State as well as adapted to the specific nature of the project or programme concerned; and
- e) ensure efficiency, coordination and consistency.

2. Cooperation shall ensure special treatment for LDC ACP countries and duly take into account the vulnerability of landlocked and island ACP countries. In addition, the specific needs of post-conflict countries shall also be addressed.

ARTICLE 57 Guidelines

1. Operations financed within the framework of this Agreement shall be implemented by the ACP States and the Community in close cooperation, the concept of equality between the partners being recognised.

2. The ACP States shall be responsible for:

- a) defining the objectives and priorities on which the indicative programmes are based;
- b) choosing projects and programmes;
- c) preparing and presenting the dossiers of projects and programmes;
- d) preparing, negotiating and concluding contracts;
- e) implementing and managing projects and programmes; and
- f) maintaining projects and programmes.

3. Without prejudice to the provisions above, eligible non State actors may also be responsible for proposing and implementing programmes and projects in areas concerning them.

4. The ACP States and the Community shall be jointly responsible for:

- a) establishing, within the joint institutions, the guidelines for development finance cooperation;
- b) adopting the indicative programmes;
- c) appraising projects and programmes;
- d) ensuring equality of conditions for participation in invitations to tender and contracts;
- e) monitoring and evaluating the effects and results of projects and programmes; and
- f) ensuring the proper, prompt and efficient execution of projects and programmes.

5. The Community shall be responsible for taking financing decisions on projects and programmes.

6. Unless otherwise provided for in this Agreement, all decisions requiring the approval of either Party shall be approved, or be deemed approved, within 60 days of notification by the other Party.

ARTICLE 58 Eligibility for financing

1. The following entities or bodies shall be eligible for financial support provided under the Agreement:

a) ACP States;

b) regional or inter-State bodies to which one or more ACP States belong, including **the African Union or other** bodies with non-ACP State members, which are authorised by those ACP States; and

c) joint bodies set up by the ACP States and the Community to pursue certain specific objectives.

2. Subject to the agreement of the ACP State or ACP States concerned, the following shall also be eligible for financial support:

a) national and/or regional public or semi-public agencies and departments of ACP States, including Parliaments, and, in particular, their financial institutions and development banks;

b) companies, firms and other private organisations and private operators of ACP States;

c) enterprises of a Community Member State to enable them, in addition to their own contribution, to undertake productive projects in the territory of an ACP State;

d) ACP or Community financial intermediaries providing, promoting and financing private **or public** investments in ACP States; and

e) local decentralised authorities from ACP States and the Community; and

f) developing countries that are not part of the ACP Group where they participate in a joint initiative or regional organisation with ACP States **in conformity with Article 6 of Annex IV to this Agreement.**

3. Non-State actors from ACP States and the Community which have a local character shall be eligible for financial support provided under this Agreement, according to the modalities agreed in the national and regional indicative programmes.

CHAPTER 2
SCOPE AND NATURE
OF FINANCING

ARTICLE 59

Within the framework of the priorities established by the ACP State or States concerned at both national and regional levels, support may be given to projects, programmes and other forms of operations contributing to the objectives set out in this Agreement.

ARTICLE 60
Scope of Financing

The scope of financing may include, inter alia, depending on the needs and the types of operation considered most appropriate, support to:

- a) measures which contribute to attenuate the debt burden and balance of payments problems of the ACP countries;
- b) macroeconomic and structural reforms and policies;
- c) mitigation of adverse **short-term** effects of **exogenous shocks, including** instability in export earnings **on socio-economic reforms and policies;**
- d) sectoral policies and reforms;
- e) institutional development and capacity building;
- f) technical cooperation programmes; and
- g) humanitarian and emergency assistance including assistance to refugees and displaced persons, **interventions linking short-term relief and rehabilitation with long-term development in crisis or post-crisis situations,** and disaster preparedness.

ARTICLE 61
Nature of Financing

1. The nature of financing shall, inter alia, include:

- a) projects and programmes;
- b) credit lines, guarantee schemes and equity participation;
- c) budgetary support, either directly, for the ACP States whose currencies are convertible and freely transferable, or indirectly, from counterparts funds generated by the various Community instruments;

d) the human and material resources necessary for effective administration and supervision of projects and programmes;

e) sectoral and general import support programmes which may take the form of:

i) sectoral import programmes through direct procurement including financing of inputs in the productive system and supplies to improve social services;

ii) sectoral import programmes in the form of foreign exchange released in instalments for financing sectoral imports; and

iii) general import programmes in the form of foreign exchange released in instalments for financing general imports covering a wide range of products.

2. Direct budgetary assistance in support of macroeconomic or sectoral reforms shall be granted where:

(a) **well-defined poverty-focused national or sector development strategies are in place or under implementation;**

(b) well-defined **stability-oriented** macroeconomic policy established by the country itself and **positively assessed** by its main donors, **including where relevant the international financial institutions, is in place or under implementation;** and

(c) public **financial** management is sufficiently transparent, accountable and effective.

The Community shall align on the systems and procedures specific to each ACP country, monitor its budget support with the partner country and support efforts of partner countries to strengthen domestic accountability, parliamentary oversight, audit capacities and public access to information.

3. Similar direct budgetary assistance shall be granted gradually to sectoral policies in substitution for individual projects.

4. The instruments of import programmes or budgetary support defined above can also be used to support eligible ACP States implementing reforms aimed at intra-regional economic liberalisation which generate net transitional costs.

5. In the framework of the Agreement, **the funds earmarked under the multi-annual financial framework of cooperation under this Agreement**, own resources of the European Investment Bank (hereinafter referred to as the Bank) and where appropriate **other** resources drawn from the European Community's budget, shall be used to finance projects, programmes and other forms of operations contributing to the achievement of the objectives of this Agreement.

6. The funds provided under the Agreement may be used to cover the total costs of both the local and foreign expenditure of projects and programmes, including recurrent cost financing

**TITLE II
FINANCIAL
COOPERATION**

**CHAPTER 1
FINANCIAL RESOURCES**

**ARTICLE 62
Overall amount**

1. For the purposes set out in this Agreement, the overall amount of the Community's financial assistance and the detailed terms and conditions of financing are provided for in the Annexes to this Agreement.

2. Should an ACP State fail to ratify this Agreement or denounce it, the Parties shall adjust the amounts of the resources provided for in the Financial Protocol set out in Annexe I. Adjustment of the financial resources shall also apply upon:

- a) the accession to the Agreement of new ACP States which did not take part in its negotiation; and
- b) the enlargement of the Community.

**ARTICLE 63
Methods of financing**

The methods of financing for each project or programme shall be determined jointly by the ACP State or States concerned and the Community by reference to:

- a) the level of development, the geographical situation and economic and financial circumstances of these States;
- b) the nature of the project or programme, its economic and financial return as well as its social and cultural impact; and
- c) in the case of loans, factors guaranteeing their servicing.

**ARTICLE 64
On lending operations**

1. Financial assistance may be made available to or through the ACP States concerned or, subject to the provisions of this Agreement through eligible financial institutions or directly to any other eligible beneficiary. Where financial assistance is granted to the final recipient through an intermediary or directly to the final beneficiary in the private sector:

a) the terms and conditions on which the assistance may be made available by the intermediary to the final recipient or directly to the final beneficiary in the private sector shall be laid down in the financing agreement or loan contract; and

b) any financial benefit accruing to the intermediary from the on lending transaction or resulting from direct lending operations to the final beneficiary in the private sector, shall be used for development purposes on the conditions laid down in the financing agreement or the loan contract, after taking into account administrative costs, exchange and financial risks and the cost of technical assistance given to the final recipient.

2. Where the financing is undertaken through an on-lending body based and/or operating in the ACP States, it shall be the responsibility of that body to select and appraise individual projects and to administer the funds placed at its disposal under the conditions provided for in this Agreement and by mutual agreement between the Parties.

ARTICLE 65 **Co-financing**

1. The financial resources provided for in this Agreement may be applied, at the request of the ACP States, to co-financing undertaken in particular with development agencies and institutions, Community Member States, ACP States, third countries or international or private financial institutions, firms or export credit agencies.

2. Special consideration shall be given to the possibility of co-financing in cases where Community participation will encourage the participation of other sources of finance and where such financing may lead to an advantageous financial package for the ACP State concerned.

3. Co-financing may be in the form of joint or parallel financing. Preference shall be given in each case to the solution, which is more suitable from the point of view of cost effectiveness. In addition, measures shall be taken to coordinate and harmonise operations of the Community and those of other co-financing bodies in order to minimise the number of procedures to be undertaken by the ACP States and to render those procedures more flexible.

4. The process of consultation and coordination with other donors and co-financiers should be strengthened and developed, where possible, through the establishment of co-financing framework agreements and co-financing policies and procedures should be reviewed to ensure effectiveness and the best terms and conditions possible.

CHAPTER 2
DEBT AND STRUCTURAL
ADJUSTMENT SUPPORT

ARTICLE 66

Support for debt relief

1. In order to attenuate the debt burden of the ACP States and their balance-of payment problems, the Parties agree to use the resources provided for **under the multi-annual financial framework of cooperation under** this Agreement to contribute to debt relief initiatives approved at international level for the benefit of ACP countries. The Community furthermore commits itself to examine how in the longer term other resources can be mobilised in support of internationally agreed debt relief initiatives.

2. At the request of an ACP State, the Community may grant:

a) assistance in studying and finding practical solutions to indebtedness including domestic debt, debt-servicing difficulties and balance of payments problems;

b) training in debt management and international financial negotiations as well as support for training workshops, courses and seminars in these fields; and

c) assistance to develop flexible techniques and instruments of debt management.

3. In order to contribute to the servicing of the debt resulting from loans from the Bank's own resources, special loans and risk capital, the ACP States may, in accordance with arrangements to be made on a case by case basis with the Commission, use the available foreign currency referred to in this Agreement for such servicing, as and when debt repayment falls due and up to the amount required for payments in national currency.

4. Given the seriousness of the international debt problem and its impact on economic growth, the Parties declare their readiness to continue to exchange views, within the context of international discussions, on the general problem of debt, and without prejudice to specific discussions taking place in the relevant fora.

ARTICLE 67

Structural adjustment support

1. The **multi-annual financial framework of cooperation under this** Agreement shall provide support for macroeconomic and sectoral reforms implemented by the ACP States. In this framework, the Parties shall ensure that adjustment is economically viable and socially and politically bearable. Support shall be given in the context of a joint assessment between the Community and the ACP State concerned on the reform measures being undertaken or contemplated either at macroeconomic or sectoral level, and permit an overall evaluation of the reform efforts. **To the extent possible the joint assessment shall be aligned on country**

specific arrangements and the support monitored on the basis of results achieved. Quick disbursement shall be an important feature of support programmes.

2. The ACP States and the Community recognise the necessity to encourage reform programmes at regional level ensuring that, in the preparation and execution of national programmes, due consideration is given to regional activities which have an influence on national development. To this end, support for structural adjustment shall also seek to:

a) incorporate, from the beginning of the diagnosis, measures to encourage regional integration and take account of the consequences of trans border adjustment;

b) support the harmonisation and coordination of macroeconomic and sectoral policies, including fiscal and customs areas, so as to fulfil the dual aim of regional integration and of structural reform at national level; and

c) take account of the effects of net transitional costs of regional integration on budget revenue and balance of payments, either through general import programmes or budgetary support.

3. ACP States undertaking or contemplating reform at the macroeconomic or sectoral level shall be eligible for structural adjustment assistance, giving consideration to the regional context, their effectiveness and the likely impact on the economic, social and political dimension of development and on economic and social hardships being experienced.

4. The ACP States undertaking reform programmes that are acknowledged and supported at least by the principal multilateral donors, or that are agreed with such donors but not necessarily financially supported by them, shall be treated as having automatically satisfied the requirements for adjustment assistance.

5. Structural adjustment support shall be mobilised in a flexible manner and in the form of sectoral and general import programmes or budgetary support.

6. The preparation, appraisal and financing decision for structural adjustment programmes shall be carried out according to the provisions on implementation procedures of this Agreement with due regard to the quick disbursing feature of structural adjustment programmes. On a case-by-case basis, retroactive financing of a limited part of imports of ACP-EC origin may be permissible.

7. The implementation of each support programme shall ensure that the eligibility of ACP economic operators for access to the resources of the programme is as wide and transparent as possible and that the procurement procedures accord with the administrative and commercial practices in the State concerned, while ensuring the best possible price/quality ratio on imported goods and the necessary consistency with the progress achieved internationally for harmonising the procedures for supporting structural adjustment.

CHAPTER 3
SUPPORT IN CASE OF EXOGENOUS SHOCKS

ARTICLE 68

1. The Parties recognise that **macroeconomic** instability **resulting from exogenous shocks** may adversely affect the development of the ACP States and jeopardise the attainment of their development requirements. A system of additional support in order to mitigate the **short-term** adverse effects **resulting from exogenous shocks, including the effects on export earnings**, is therefore set up within the **multi-annual financial framework of cooperation under this Agreement**.
2. The purpose of **this** support is to safeguard socio-economic reforms and policies that could be affected negatively as a result of a drop in revenue and to remedy the **short-term** adverse effects of **such shocks**.
3. The extreme dependence of the ACP States' economies on exports, in particular from the agricultural and mining sectors, shall be taken into account in the allocation of resources. In this context, the least developed, landlocked and island, post conflict and post natural disaster ACP States shall receive more favourable treatment.
4. The additional resources shall be provided in accordance with the specific modalities of the support mechanism as set out in Annexe II on Terms and Conditions of Financing.
5. The Community shall also provide support for market-based insurance schemes designed for ACP States seeking to protect themselves against **short-term effects of exogenous shocks**.

CHAPTER 4
SUPPORT FOR SECTORAL
POLICIES

ARTICLE 69

1. Cooperation shall support, through the various instruments and modalities provided for in the Agreement:
 - a) social and economic sectoral policies and reforms;
 - b) measures to enhance productive sector activity and export competitiveness;
 - c) measures to expand social sector services; and
 - d) thematic and cross cutting issues.
2. This support shall be provided as appropriate through:
 - a) sectoral programmes;

- b) budgetary support;
- c) investments;
- d) rehabilitation;
- e) training;
- f) technical assistance; and
- g) institutional support.

CHAPTER 5 MICROPROJECTS AND DECENTRALISED COOPERATION

ARTICLE 70

In order to respond to the needs of local communities with regard to development, and to encourage all agents of decentralised cooperation which are in a position to contribute to the autonomous development of the ACP States to put forward and implement initiatives, cooperation shall support, within the framework laid down in the rules and national legislation of the ACP States concerned and the provisions of the indicative programme, such development operations. In this context, cooperation shall support:

- a) micro projects at local level which have an economic and social impact on the life of the people, meet a demonstrated and observed priority need, and shall be undertaken at the initiative and with the active participation of the local community which shall benefit therefrom; and
- b) decentralised cooperation, in particular where such operations combine efforts and resources of decentralised agents from the ACP States and their counterparts from the Community. This form of cooperation shall enable the mobilisation of capabilities, innovative operating methods and resources of decentralised agents for the development of the ACP State.

ARTICLE 71

1. Microprojects and decentralised cooperation operations may be supported from the financial resources of the Agreement. Projects or programmes under this form of cooperation may or may not be linked to programmes in the sectors of concentration of the indicative programmes, but may be a way of achieving the specific objectives of the indicative programme or the results of initiatives by local communities or decentralised agents.
2. Contributions for the financing of micro-projects and decentralised cooperation shall be made by the Fund, in which case the contribution shall not normally exceed three quarters

of the total cost of each project and may not exceed the limit set in the indicative programme. The remaining balance shall be provided:

a) by the local community concerned in case of micro-projects (either in kind or in the form of services or cash and adapted to its capacity to contribute);

b) by the agents of decentralised cooperation, provided that the financial, technical, material and other resources brought in by such agents shall not normally be less than 25% of the estimated cost of the project/programme; and

c) exceptionally by the ACP State concerned, either in the form of a financial contribution or through the use of public equipment or the supply of services.

3. The procedures applicable to projects and programmes financed within the framework of microprojects or decentralised cooperation shall be those laid down in the Agreement, in particular those referred to in multi-annual programmes.

CHAPTER 6 HUMANITARIAN, EMERGENCY AND POST-EMERGENCY ASSISTANCE

ARTICLE 72 General principle

1. Humanitarian, **emergency and post-emergency** assistance shall **be provided in situations of crisis. Humanitarian and emergency assistance shall aim to save and preserve life and to prevent and relieve human suffering wherever the needs arise. Post-emergency assistance shall aim at rehabilitation and linking the short-term relief with longer term development programmes.**

2. **Situations of crisis, including long-term structural instability or fragility are situations posing a threat to law and order or to the security and safety of individuals, threatening to escalate into armed conflict or to destabilise the country. Situations of crisis may also result from natural disasters, man-made crises such as wars and other conflicts or extraordinary circumstances having comparable effects related, inter alia, to climate change, environmental degradation, access to energy and natural resources, or extreme poverty.**

3. The humanitarian, **emergency and post-emergency** assistance shall be maintained for as long as necessary to deal with the emergency needs resulting from these situations.

4. **The** Humanitarian assistance shall be granted exclusively according to the needs and interests of victims of **the crisis situation** and in line with the principles of international humanitarian law **and with respect to humanity, neutrality, impartiality and independence.** In particular, there shall be no discrimination between victims on grounds of race, ethnic origin, religion, gender, age, nationality or political affiliation and free access to and protection of victims shall be guaranteed as well as the security of humanitarian personnel and equipment.

5. The humanitarian, emergency and post-emergency assistance shall be financed under the multi-annual financial framework of cooperation under this Agreement, where such assistance cannot be financed from the Union's Budget. Humanitarian, emergency and post-emergency assistance shall be implemented in complementarity and coordination with the Member States' efforts and in accordance with best practice in aid effectiveness.

ARTICLE 72A

Objective

1. Humanitarian and emergency assistance shall aim to:

- (a) safeguard human lives in crises and immediate post-crisis situations;
- (b) contribute to the financing and delivery of humanitarian aid and to the direct access to it of its intended beneficiaries by all logistical means available;
- (c) carry out short-term rehabilitation and reconstruction to enable the victims to benefit from a minimum of socio-economic integration and, as soon as possible, create the conditions for a resumption of development on the basis of long-term objectives set by the ACP countries and regions concerned;
- (d) address the needs arising from the displacement of people (refugees, displaced persons and returnees) following natural or man-made disasters so as to meet, for as long as necessary, all the needs of refugees and displaced persons (wherever they may be) and facilitate action for their voluntary repatriation and re-integration in their country of origin; and
- (e) assist the ACP State or region in setting up short term disaster prevention and preparedness mechanisms, including for prediction and early warning, with a view to reducing the consequences of disasters.

2. Assistance may be granted to ACP States or regions taking in refugees or returnees to meet acute needs not covered by emergency assistance.

3. Post-emergency action shall aim at physical and social rehabilitation consequent to the results of the crisis concerned and may be undertaken to link the short-term relief and rehabilitation with the relevant longer term development programmes funded from the national, regional indicative programmes or the intra-ACP programme. Such actions must **be necessary for** the transition from the emergency phase to the development phase, promoting the socio-economic reintegration of the parts of the population affected, removing as far as possible the causes of the crisis and strengthening institutions and the ownership by local and national actors of their role in formulating a sustainable development policy for the ACP country concerned.

4. Where appropriate, short-term disaster prevention and preparedness mechanisms as referred to in paragraph 1(e) will be coordinated with other disaster prevention and preparedness mechanisms in place.

The development and strengthening of national, regional and all-ACP disaster risk reduction and management mechanisms shall assist ACP States to build their resilience to the impact of disasters. All related activities may be pursued in cooperation with regional and

international organisations and programmes that have a proven track record in disaster risk reduction.

ARTICLE 73
Implementation

1. Assistance operations shall be undertaken either at the request of the ACP country or region affected by the crisis situation, **or at the initiative of the Commission, or on the advice of** international organisations or local or international non-State organisations.

2. The Community shall take adequate steps to facilitate speedy action, which is required to meet the immediate needs for which the assistance is needed. **The** assistance shall be administered and implemented under procedures permitting operations that are rapid, flexible and effective.

3. Underlining the developmental nature of the assistance granted in accordance with this Chapter, assistance may be used exceptionally together with the indicative programme at the request of the State or region concerned.

**CHAPTER 7
INVESTMENT AND
PRIVATE SECTOR
DEVELOPMENT SUPPORT**

ARTICLE 74

Cooperation shall, through financial and technical assistance, support the policies and strategies for investment and private sector development as set out in this Agreement.

ARTICLE 75
Investment promotion

The ACP States, the Community and its Member States, within the scope of their respective competencies, recognising the importance of private investment in the promotion of their development cooperation and acknowledging the need to take steps to promote such investment, shall:

- a) implement measures to encourage participation in their development efforts by private investors who comply with the objectives and priorities of ACP-EC development cooperation and with the appropriate laws and regulations of their respective States;
- b) take measures and actions which help to create and maintain a predictable and secure investment climate as well as enter into negotiations on agreements which will improve such climate;

- c) encourage the EU private sector to invest and to provide specific assistance to its counterparts in the ACP countries under mutual business cooperation and partnerships;
- d) facilitate partnerships and joint ventures by encouraging co financing;
- e) sponsor sectoral investment fora to promote partnerships and external investment;
- f) support efforts of the ACP States to attract financing, with particular emphasis on private financing, for infrastructure investments and revenue generating infrastructure critical for the private sector;
- g) support capacity building for domestic investment promotion agencies and institutions involved in promoting and facilitating foreign investment;
- h) disseminate information on investment opportunities and business operating conditions in the ACP States; and
- i) promote national, regional and ACPEU private sector business dialogue, cooperation and partnerships, in particular through an ACP-EU private sector business forum. Support for operations of an ACP-EU private sector business forum shall be provided in pursuit of the following objectives:
 - i) to facilitate dialogue within the ACP/ EU private sector and between the ACP/EU private sector and the bodies established under the Agreement;
 - ii) to analyse and periodically provide the relevant bodies with information on the whole range of issues concerning relations between the ACP and EU private sectors in the context of the Agreement or, more generally, of economic relations between the Community and the ACP countries; and
 - iii) to analyse and provide the relevant bodies with information on specific problems of a sectoral nature relating to, inter alia, branches of production or types of products at regional or sub-regional level.

ARTICLE 76

Investment finance and support

1. Cooperation shall provide long-term financial resources, including risk capital, to assist in promoting growth in the private sector and help to mobilise domestic and foreign capital for this purpose. To this end, cooperation shall provide, in particular:

- a) grants for financial and technical assistance to support policy reforms, human resource development, institutional capacity-building or other forms of institutional support related to a specific investment, measures to increase the competitiveness of enterprises and to strengthen the capacities of the private financial and non-financial intermediaries, investment facilitation and promotion and competitiveness enhancement activities;

b) advisory and consultative services to assist in creating a responsive investment climate and information base to guide and encourage the flow of capital;

c) risk capital for equity or quasi-equity investments, guarantees in support of domestic and foreign private investment and loans or lines of credit on the conditions laid down in Annexe II "Terms and Conditions of Financing" to this Agreement; and

d) loans from the Bank's own resources **and the Investment Facility, the terms and conditions of which are set out in Annex II to this Agreement. Such loans may also be used to finance public investment in basic infrastructure.**

2. Loans from the Bank's own resources shall be granted in accordance with its statute and with the terms and conditions laid down in Annexe II to this Agreement.

ARTICLE 77

Investment guarantees

1. Investment guarantees are an increasingly important tool for development finance as they contribute to reducing project risks and inducing private capital flows. Cooperation shall therefore ensure the increasing availability and use of risk insurance as a risk mitigating mechanism in order to boost investor confidence in the ACP States.

2. Cooperation shall offer guarantees and assist with guarantees funds covering risks for qualified investment. Specifically, cooperation shall provide support to:

a) reinsurance schemes to cover foreign direct investment by eligible investors; against legal uncertainties and the major risks of expropriation, currency transfer restriction, war and civil disturbance, and breach of contract. Investors may insure projects for any combination of the four types of coverage;

b) guarantee programmes to cover risk in the form of partial guarantees for debt financing. Both partial risk and partial credit guarantee shall be available; and

c) national and regional guarantee funds, involving, in particular, domestic financial institutions or investors for encouraging the development of the financial sector.

3. Cooperation shall also provide support to capacity-building, institutional support and participation in the core funding of national and/or regional initiatives to reduce the commercial risks for investors (inter alia guarantee funds, regulatory bodies, arbitration mechanisms and judiciary systems to enhance the protection of investments improving the export credit systems).

4. Cooperation shall provide such support on the basis of complementary and added value with respect to private and/or public initiatives and, whenever feasible, in partnership with private and other public organisations. The ACP and the EC will within the framework of the ACP-EC Development Finance Cooperation Committee undertake a joint study on the

proposal to set up an ACP-EC Guarantee Agency to provide and manage investment guarantee programmes.

ARTICLE 78

Investment protection

1. The ACP States and the Community and its Member States, within the scope of their respective competencies, affirm the need to promote and protect either Party's investments on their respective territories, and in this context affirm the importance of concluding, in their mutual interest, investment promotion and protection agreements which could also provide the basis for insurance and guarantee schemes.

2. In order to encourage European investment in development projects of special importance to, and promoted by the ACP States, the Community and the Member States, on the one hand and the ACP States on the other, may also conclude agreements relating to specific projects of mutual interest where the Community and European enterprises contribute towards their financing.

3. The Parties also agree to introduce, within the economic partnership agreements, and while respecting the respective competencies of the Community and its Member States, general principles on protection and promotion of investments, which will endorse the best results agreed in the competent international fora or bilaterally.

TITLE III

TECHNICAL COOPERATION

ARTICLE 79

1. Technical cooperation shall assist the ACP States in the development of national and regional manpower resources, the sustained development of the institutions critical for development success, including inter alia strengthening ACP consulting firms and organisations, as well as exchange arrangements involving consultants from both ACP and EU firms.

2. Furthermore, technical cooperation, shall be cost-effective and relevant to the need for which it is intended, and shall also favour the transfer of knowhow and increase national and regional capabilities. Technical cooperation shall contribute to the achievement of project and programme goals, including efforts to strengthen management capacity of the National and Regional Authorising Officers. Technical assistance shall:

a) be demand driven and thus made available only at the request of the ACP State or States concerned, and adapted to recipient needs;

b) complement and support ACP efforts to identify their own requirements;

c) be monitored and followed up to guarantee effectiveness;

d) encourage the participation of ACP experts, consultancy firms and educational and research institutions in contracts financed from the Fund and identify ways of employing qualified national and regional personnel on Fund projects;

e) encourage the secondment of ACP national cadres as consultants to an institution in their own country, or a

neighbouring country, or to a regional organisation;

f) aim at developing knowledge of national and regional manpower constraints and potential and establish a register of ACP experts, consultants and consultancy firms suitable for employment on projects and programmes financed from the Fund;

g) support intra ACP technical assistance in order to promote the exchange between the ACP States of technical assistance, management and professional expertise;

h) develop action programmes for long term institution building and staff development as an integral part of project and programme planning, account being taken of the necessary financial requirements;

i) support arrangements to enhance the capacity of the ACP States to build up their own expertise; and

j) give special attention to the development of the ACP States' capacities in project planning, implementation and evaluation, as well budget management.

3. Technical assistance may be provided in all areas of cooperation and within the limits of the mandate of this Agreement. The activities covered would be diverse in scope and nature, and would be tailored to meet the needs of the ACP States.

4. Technical cooperation may be either of a specific or a general nature. The ACPEC Development Finance Cooperation Committee shall establish the guidelines for the implementation of technical cooperation.

ARTICLE 80

With a view to reversing the brain drain from the ACP States, the Community shall assist ACP States which so request to facilitate the return of qualified ACP nationals resident in developed countries through appropriate re-installation incentives.

TITLE IV PROCEDURES AND MANAGEMENT SYSTEMS

ARTICLE 81 Procedures

Management procedures shall be transparent, easy to apply and shall enable the decentralisation of tasks and responsibilities to the field. The implementation of ACP-EU development cooperation shall be open to non-State actors in areas that concern them. The detailed procedural provisions for programming, preparation, implementation and the management of financial and technical cooperation are laid down in Annexe IV on Implementation and Management Procedures. The Council of Ministers may review, revise and amend these provisions on the basis of a recommendation from the ACP-EC Development Finance Cooperation Committee.

ARTICLE 82 Executing agents

For the implementation of financial and technical cooperation under this Agreement, executing agents are designated. Detailed provisions for the responsibilities of the executing agents are laid down in Annexe IV on Implementation and Management Procedures.

ARTICLE 83 ACP-EC Development Finance Cooperation Committee

1. The Council of Ministers shall at least once a year examine whether the objectives of development finance cooperation are being attained and shall examine the general and specific problems resulting from the implementation of that cooperation. To this end, an ACP-EC Development Finance Cooperation Committee, hereinafter referred to as "the ACP-EC Committee", shall be set up within the Council of Ministers.

2. The ACP-EC Committee shall, inter alia:

a) ensure the overall achievement of the objectives and principles of development finance cooperation and establish general guidelines for their effective and timely implementation;

b) examine the problems arising from the implementation of development cooperation activities and propose appropriate measures;

c) review the annexes to the Agreement to ensure their continued relevance and recommend any appropriate amendments to the Council of Ministers for approval; and

d) examine the operations deployed within the framework of the Agreement to attain the objectives of promoting private sector development and investment and the operations of the Investment Facility.

3. The ACP-EC Committee, which shall meet every quarter, shall be composed, on a basis of parity, of representatives of the ACP States and of the Community, or their authorised representatives. It shall meet at ministerial level whenever one of the parties so requests and at least once a year.

4. The Council of Ministers shall lay down the ACP-EC Committee's rules of procedure, in particular the conditions for representation and the number of members of the Committee, the detailed arrangements for their deliberations and the conditions for holding the chair.

5. The ACP-EC Committee may convene meetings of experts to study the cause of any difficulties and bottlenecks, which may impede the efficient implementation of development cooperation. These experts shall make recommendations to the Committee on possible ways of removing such difficulties and bottlenecks.

PART 5

GENERAL PROVISIONS FOR THE LEAST DEVELOPED, LANDLOCKED AND ISLAND ACP STATES (LDLICS)

CHAPTER 1 **GENERAL PROVISIONS**

ARTICLE 84

1. To enable LDLICs to take full advantage of the opportunities offered by the Agreement so as to step up their respective rates of development, cooperation shall ensure special treatment for the least developed ACP countries and take due account of the vulnerability of landlocked and island ACP countries. It shall also take into consideration the needs of countries in post conflict situations.

2. Independently of the specific measures and provisions for the least-developed, landlocked and island countries in the different chapters of the Agreement, special attention shall be paid in respect of these groups as well as countries in post-conflict situations to:

a) the strengthening of regional cooperation;

b) transport and communications' infrastructure;

c) the efficient exploitation of marine resources and the marketing of products so produced and, in the case of landlocked countries, inland fisheries;

d) structural adjustment where account shall be taken of the level of development of these countries and equally, at the implementation stage, of the social dimension of adjustment; and

e) the implementation of food strategies and integrated development programmes.

CHAPTER 2 LEAST DEVELOPED ACP STATES

ARTICLE 85

1. The least developed ACP States shall be accorded a special treatment in order to enable them to overcome the serious economic and social difficulties hindering their development so as to step up their respective rates of development.

2. The list of least-developed countries is given in Annexe VI. It may be amended by a decision of the Council of Ministers where:

a) a third State in a comparable situation accedes to this Agreement; and

b) the economic situation of an ACP State changes considerably and durably to the extent that it needs to be included in the least developed category or its inclusion in that category is no longer justified.

ARTICLE 86

The provisions adopted in respect of the least-developed ACP States are contained in the following Articles: 2, 29, 32, 35, 37, 56, 68, 84, 85.

CHAPTER 3 LANDLOCKED ACP STATES

ARTICLE 87

1. Specific provisions and measures shall be established to support landlocked ACP States in their efforts to overcome the geographical difficulties and other obstacles hampering their development so as to enable them to step up their respective rates of development.

2. The list of landlocked ACP States is given in Annexe VI. It may be amended by decision of the Council of Ministers when a third State in a comparable situation accedes to the Agreement.

ARTICLE 88

The provisions adopted in respect of the landlocked ACP States are contained in the following Articles: 2, 32, 35, 56, 68, 84, 87.

CHAPTER 4 ISLAND ACP STATES

ARTICLE 89

1. Specific actions shall be pursued to support island ACP States in their efforts to halt and reverse their increasing vulnerability caused by new and severe economic, social and ecological challenges. These actions shall seek to advance the implementation of the small island developing States' priorities for sustainable development, while promoting a harmonised approach to their economic growth and human development.

2. The list of island ACP States is given in Annexe VI. It may be amended by decision of the Council of Ministers when a third State in a comparable situation accedes to the Agreement.

ARTICLE 90

The provisions adopted in respect of the island ACP States are contained in the following Articles: 2, 32, 35, 56, 68, 84, 89.

PART 6 FINAL PROVISIONS

ARTICLE 91

Conflict between this Agreement and other treaties

No treaty, convention, agreement or arrangement of any kind between one or more Member States of the Community and one or more ACP States may impede the implementation of this Agreement.

ARTICLE 92

Scope of territorial application

Subject to the special provisions regarding the relations between the ACP States and the French overseas departments provided for therein, this Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territories of the ACP States.

ARTICLE 93

Ratification and entry into force

1. This Agreement shall be ratified or approved by the signatory Parties in accordance with their respective constitutional rules and procedures.

2. The instruments of ratification or approval of this Agreement shall be deposited in the case of the ACP States, with the General Secretariat of the Council of the European Union and in the case of the Community and the Member States, with the General Secretariat of the ACP States. The Secretariats shall promptly notify the signatory States and the Community.

3. This Agreement shall enter into force on the first day of the second month following the date of deposit of the instruments of ratification of the Member States and of at least two thirds of the ACP States, and of the instrument of approval of this Agreement by the Community.

4. An ACP signatory State that has not completed the procedures set out in paragraphs 1 and 2 by the date on which this Agreement enters into force as provided for in paragraph 3 may do so only within the 12 months following that date, without prejudice to the provisions of paragraph 6.

For such States this Agreement shall become applicable on the first day of the second month following the completion of these procedures. These States shall recognise the validity of any measure taken to implement the Agreement after the date of its entry into force.

5. The rules of procedure of the joint institutions set up under this Agreement shall lay down the conditions under which the representatives of signatory States referred to in paragraph 4 may attend those institutions as observers.

6. The Council of Ministers may decide to accord special support to ACP States party to previous ACP-EC Conventions which, in the absence of normally established government institutions, have not been able to sign or ratify this Agreement. This support may concern institution building and economic and social development activities, taking particular account of the needs of the most vulnerable sections of the population. In this context, such countries will be able to draw on the funds provided for in Part 4 of this Agreement for financial and technical cooperation.

By way of derogation from paragraph 4, the countries concerned which are signatories to the Agreement may complete the ratification procedures within twelve months of the restoration of government institutions.

The countries concerned which have neither signed nor ratified the Agreement may accede to it by means of the accession procedure provided for in Article 94.

ARTICLE 94

Accession

1. Any request for accession to this Agreement made by an independent State whose structural characteristics and economic and social situation are comparable to those of the ACP States shall be presented to the Council of Ministers.

If the request is approved by the Council of Ministers, the State concerned shall accede to this Agreement by depositing an act of accession with the General Secretariat of the Council of the European Union, which shall send a certified copy to the ACP Secretariat and notify the Member States. The Council of Ministers may lay down any amending measures that might be necessary.

The State concerned shall enjoy the same rights and be subject to the same obligations as the ACP States. Its accession may not infringe on the benefits enjoyed by the ACP States signatory to this Agreement under the provisions on development cooperation financing. The Council of Ministers may lay down the conditions and specific arrangements for the accession of an individual State in a special protocol that shall form an integral part of the Agreement.

2. The Council of Ministers shall be advised of any request made by a third State to become a member of an economic grouping of ACP States.

3. The Council of Ministers shall be advised of any request made by a third State to become a member of the European Union. During the negotiations between the Union and the applicant State, the Community shall provide the ACP States with any relevant information and they in turn shall convey their concerns to the Community so that it can take them fully into account. The ACP Secretariat shall be notified by the Community of any accession to the European Union.

Any new Member State of the European Union shall become a Party to this Agreement from the date of its accession by means of a clause to that effect in the act of accession. If the act of accession to the Union does not provide for such automatic accession of the Member State to this Agreement, the Member State concerned shall accede by depositing an act of accession with the General Secretariat of the Council of the European Union, which shall send a certified copy to the ACP Secretariat and notify the Member States.

The Parties shall review the effects of the accession of new Member States on this Agreement. The Council of Ministers may decide on any transitional or amending measures that might be necessary.

ARTICLE 95

Duration of the agreement and revision clause

1. This Agreement is hereby concluded for a period of twenty years, commencing on 1 March 2000.

2. Financial protocols are defined for each five-year period.

3. The Community and the Member States, on the one hand, and the ACP States, on the other, shall notify the other Party not later than 12 months before the expiry of each five-year period of any review of the provisions they desire to make with a view to a possible amendment of the Agreement. Notwithstanding this time limit, if one Party requests the review of any provisions of the Agreement, the other Party shall have a period of two

months in which to request the extension of the review to other provisions related to those which were the subject of the initial request.

Ten months before the expiry of this five year period, the Parties shall enter into negotiations with a view to examining any possible amendments to the provisions that were the subject of the notification.

Article 93 shall also apply to the amendments made.

The Council of Ministers shall adopt any transitional measures that may be required in respect of the amended provisions until they come into force.

4. Eighteen months before the end of the total period of the Agreement, the Parties shall enter into negotiations in order to examine what provisions shall subsequently govern their relations.

The Council of Ministers shall adopt any transitional measures that may be required until the new Agreement comes into force.

ARTICLE 96

Essential elements: consultation procedure and appropriate measures as regards human rights, democratic principles and the rule of law

1. Within the meaning of this Article, the term "Party" refers to the Community and the Member States of the European Union, of the one part, and each ACP State, of the other part.

1a. Both Parties agree to exhaust all possible options for dialogue under Article 8, except in cases of special urgency, prior to commencement of the consultations referred to in paragraph 2(a) of this Article.

a) If, despite the political dialogue on the essential elements as provided for under Article 8 and paragraph 1a of this Article, a Party considers that the other Party fails to fulfil an obligation stemming from respect for human rights, democratic principles and the rule of law referred to in Article 9(2), it shall, except in cases of special urgency, supply the other Party and the Council of Ministers with the relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties. To this end, it shall invite the other Party to hold consultations that focus on the measures taken or to be taken by the Party concerned to remedy the situation in accordance with Annexe VII.

The consultations shall be conducted at the level and in the form considered most appropriate for finding a solution.

The consultations shall begin no later than 30 days after the invitation and shall continue for a period established by mutual agreement, depending on the nature and gravity of the

violation. In no case shall the dialogue under the consultations procedure last longer than 120 days.

If the consultations do not lead to a solution acceptable to both Parties, if consultation is refused or in cases of special urgency, appropriate measures may be taken. These measures shall be revoked as soon as the reasons for taking them no longer prevail.

b) The term "cases of special urgency" shall refer to exceptional cases of particularly serious and flagrant violation of one of the essential elements referred to in paragraph 2 of Article 9, that require an immediate reaction.

The Party resorting to the special urgency procedure shall inform the other Party and the Council of Ministers separately of the fact unless it does not have time to do so.

c) The "appropriate measures" referred to in this Article are measures taken in accordance with international law, and proportional to the violation. In the selection of these measures, priority must be given to those which least disrupt the application of this agreement.

It is understood that suspension would be a measure of last resort.

If measures are taken in cases of special urgency, they shall be immediately notified to the other Party and the Council of Ministers. At the request of the Party concerned, consultations may then be called in order to examine the situation thoroughly and, if possible, find solutions. These consultations shall be conducted according to the arrangements set out in the second and third subparagraphs of paragraph (a).

ARTICLE 97

Consultation procedure and appropriate measures as regards corruption

1. The Parties consider that when the Community is a significant partner in terms of financial support to economic and sectoral policies and programmes, serious cases of corruption should give rise to consultations between the Parties.

2. In such cases either Party may invite the other to enter into consultations. Such consultations shall begin no later than 30 days after the invitation and dialogue under the consultation procedure shall last no longer than 120 days.

3. If the consultations do not lead to a solution acceptable to both Parties or if consultation is refused, the Parties shall take the appropriate measures. In all cases, it is above all incumbent on the Party where the serious cases of corruption have occurred to take the measures necessary to remedy the situation immediately. The measures taken by either Party must be proportional to the seriousness of the situation. In the selection of these measures, priority must be given to those which least disrupt the application of this agreement. It is understood that suspension would be a measure of last resort.

4. Within the meaning of this Article, the term "Party" refers to the Community and the Member States of the European Union, of the one part, and each ACP State, of the other part.

ARTICLE 98 **Dispute settlement**

1. Any dispute arising from the interpretation or application of this Agreement between one or more Member States or the Community, on the one hand, and one or more ACP States on the other, shall be submitted to the Council of Ministers.

Between meetings of the Council of Ministers, such disputes shall be submitted to the Committee of Ambassadors.

a) If the Council of Ministers does not succeed in settling the dispute, either Party may request settlement of the dispute by arbitration. To this end, each Party shall appoint an arbitrator within thirty days of the request for arbitration. In the event of failure to do so, either Party may ask the Secretary General of the Permanent Court of Arbitration to appoint the second arbitrator.

b) The two arbitrators shall in turn appoint a third arbitrator within thirty days. In the event of failure to do so, either Party may ask the Secretary General of the Permanent Court of Arbitration to appoint the third arbitrator.

c) Unless the arbitrators decide otherwise, the procedure applied shall be that laid down in the optional arbitration regulation of the Permanent Court of Arbitration for International Organisations and States. The arbitrators' decisions shall be taken by majority vote within three months

d) Each Party to the dispute shall be bound to take the measures necessary to carry out the decision of the arbitrators.

e) For the application of this procedure, the Community and the Member States shall be deemed to be one Party to the dispute.

ARTICLE 99 **Denunciation clause**

This Agreement may be denounced by the Community and its Member States in respect of each ACP State and by each ACP State in respect of the Community and its Member States, upon six months' notice.

ARTICLE 100
Status of the texts

The Protocols and Annexes attached to this Agreement shall form an integral part thereof. Annexes Ia, Ib, II, III, IV and VI may be revised, reviewed and/or amended by the Council of Ministers on the basis of a recommendation from the ACP-EC Development Finance Cooperation Committee.

This Agreement, drawn up in two copies in the **Bulgarian**, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, **Romanian**, Slovak, Slovenian, Spanish and Swedish languages, all texts being equally authentic, shall be deposited in the archives of the General Secretariat of the Council of the European Union and the Secretariat of the ACP States, which shall both transmit a certified copy to the government of each of the Signatory States.

ANNEXES TO THE AGREEMENT

ANNEX I

FINANCIAL PROTOCOL

1. For the purposes set out in this Agreement and for a period of five years commencing 1 March 2000, the overall amount of the Community's financial assistance to the ACP States shall be EUR 15 200 million.

2. The Community's financial assistance shall comprise an amount up to EUR 13 500 million from the 9th European Development Fund (EDF).

3. The 9th EDF shall be allocated between the instruments of cooperation as follows:

a) EUR 10 000 million in the form of grants shall be reserved for an envelope for support for long-term development. This envelope shall be used to finance national indicative programmes in accordance with Articles 1 to 5 of Annexe IV "Implementation and management procedures" to this Agreement. From the envelope for support for long term development:

i) EUR 90 million shall be reserved for the financing of the budget of the Centre for the Development of Enterprise (CDE);

ii) EUR 70 million shall be reserved for the financing of the budget of the Centre for the Development of Agriculture (CTA); and

iii) an amount not exceeding EUR 4 million shall be reserved for the purposes referred to in Article 17 of this Agreement (Joint Parliamentary Assembly).

b) EUR 1 300 million in the form of grants shall be reserved for the financing of support for regional cooperation and integration of the ACP States in accordance with Articles 6 to 14 of Annexe IV "Implementation and management procedures" to this Agreement.

c) EUR 2 200 million shall be allocated to finance the Investment Facility according to the terms and conditions set out in Annexe II "Terms and conditions of financing" to this Agreement without prejudice to the financing of the interest rate subsidies provided for in Articles 2 and 4 of Annexe II to this Agreement funded from the resources mentioned in paragraph 3(a) of this Annexe.

4. An amount of up to EUR 1 700 million shall be provided from the European Investment Bank in the form of loans made from its own resources. These resources shall be granted for the purposes set out in Annexe II "Terms and conditions of financing" to this Agreement in accordance with the conditions provided for by its statutes and the relevant provisions of the terms and conditions for investment financing as laid down in the aforementioned Annexe. The Bank may, from the resources it manages, contribute to the financing of regional projects and programmes.

5. Any balances remaining from previous EDFs on the date of entry into force of this Financial Protocol, as well as any amounts that shall be decommitted at a later date from ongoing projects under these Funds, shall be transferred to the 9th EDF and shall be used in accordance with the conditions laid down in this Agreement. Any resources thus transferred to the 9^e EDF that previously had been allocated to the indicative programme of an ACP State or region shall remain allocated to that State or region. The overall amount of this Financial Protocol, supplemented by the transferred balances from previous EDFs, will cover the period of 2000-2007.
6. The Bank shall administer the loans made from its own resources, as well as the operations financed under the Investment Facility. All other financial resources of this Agreement shall be administered by the Commission.
7. Before the expiry of this Financial Protocol, the Parties shall assess the degree of realisation of commitments and disbursements. This assessment shall constitute the basis for re-evaluating the overall amount of resources as well for evaluating the need for new resources to support financial cooperation under this Agreement.
8. In the event of the funds provided for in any of the instruments of the Agreement being exhausted before the expiry of this Financial Protocol, the joint ACP-EC Council of Ministers shall take the appropriate measures.
9. By derogation from Article 58 of this Agreement, an amount of EUR 90 million shall be transferred to the intra ACP envelope under the 9^e EDF. This amount may be allocated to finance devolution for the period 2006-2007, and shall be managed directly by the Commission.

ANNEX Ia

MULTI-ANNUAL FINANCIAL FRAMEWORK OF COOPERATION UNDER THIS AGREEMENT

1. For the purposes set out in this Agreement and for a period beginning on 1 March 2005, a multi-annual financial framework of cooperation shall cover commitments beginning on 1 January 2008 for a period of five or six years.

2. For this new period, the European Union shall maintain its aid effort to ACP States at least at the same level as that of the 9th EDF, not including balances; to this shall be added, based on Community estimates, the effects of inflation, growth within the European Union and enlargement to 10 new Member States in 2004.

3. Any required amendments to the multi-annual financial framework or relative parts of the Agreement shall be decided by the Council of Ministers by derogation from Article 95 of this Agreement.

ANNEX Ib

MULTI-ANNUAL FINANCIAL FRAMEWORK FOR THE PERIOD 2008 TO 2013 ⁽¹⁾

1. For the purposes set out in this Agreement and for a period starting on 1 January 2008, the overall amount of the financial assistance for the ACP Group of States within this multiannual financial framework shall be EUR 23966 million, as specified in points 2 and 3.

2. The sum of EUR 21966 million under the 10th European Development Fund (EDF), shall be made available on entry into force of the multiannual financial framework. It shall be allocated between the instruments of cooperation as follows:

(a) EUR 17766 million to finance national and regional indicative programmes. This allocation will be used to finance:

(i) the national indicative programmes of the ACP Group of States in accordance with Articles 1 to 5 of Annex IV to this Agreement concerning implementation and management procedures;

(ii) the regional indicative programmes of support for regional and inter-regional cooperation and integration of ACP Group of States in accordance with Articles 6 to 11, 13(1) and 14 of Annex IV to this Agreement concerning implementation and management procedures;

(b) EUR 2700 million to finance intra-ACP and inter-regional cooperation with many or all of the ACP Group of States, in accordance with Articles 12, 13(2) and 14 of Annex IV to this Agreement concerning implementation and management procedures. This envelope shall include structural support to the joint institutions: the CDE and the CTA referred to and supervised in accordance with the rules and procedures set out in Annex III to this Agreement, and the Joint Parliamentary Assembly referred to in Article 17 of this Agreement. This envelope shall also cover assistance for the operating expenditures of the ACP Secretariat referred to in points 1 and 2 of Protocol 1 attached to this Agreement;

(c) EUR 1500 million to finance the Investment Facility in accordance with the terms and conditions set out in Annex II (Terms and conditions of financing) to this Agreement, comprising an additional contribution of EUR 1100 million to the resources of the Investment Facility, managed as a revolving fund, and EUR 400 million under the form of grants for the financing of the interestrate subsidies provided for in Articles 2 and 4 of that Annex over the period of the 10th EDF.

3. The operations financed under the Investment Facility, including the corresponding interestrate subsidies, shall be managed by the European Investment Bank (EIB). An amount of up to EUR 2000 million in addition to the 10th EDF shall be made available by the EIB in

¹ O.J. L247, 09.09.2006, p. 22

the form of loans from own resources. These resources shall be granted for the purposes set out in Annex II to this Agreement, in accordance with the conditions laid down in the statutes of the EIB and the relevant provisions of the terms and conditions for investment financing in that Annex. All other financial resources under this multiannual financial framework shall be administered by the Commission.

4. After 31 December 2007 or after the date of entry into force of this multiannual financial framework, whichever is the later, balances from the Ninth EDF or from previous EDFs and funds decommitted from projects under these EDFs shall no longer be committed, unless the Council of the European Union decides otherwise by unanimity, with the exception of the balances and funds decommitted after the date of entry into force resulting from the system guaranteeing the stabilisation of export earnings from primary agricultural products (STABEX) under the EDFs prior to the Ninth EDF, and the remaining balances and reimbursements of the amounts allocated for the financing of the Investment Facility, excluding the related interest rate subsidies. The funds possibly committed after 31 December 2007 until the entry into force of this Agreement, as referred to above, will be used exclusively to ensure the working ability of the EU administration and to cover the ongoing costs to sustain running projects until the 10th EDF comes into force.

5. The overall amount of this multiannual financial framework shall cover the period from 1 January 2008 to 31 December 2013. The funds of the 10th EDF, apart from amounts allocated to the Investment Facility, excluding the related interest rate subsidies, shall no longer be committed beyond 31 December 2013, unless the Council of the European Union decides otherwise by unanimity, on a proposal from the Commission.

6. The Committee of Ambassadors, acting on behalf of the ACP-EC Council of Ministers, may, within the overall amount of the multiannual financial framework, take appropriate measures in order to meet programming requirements under one of the allocations provided for in point 2, including the reassignment of funds between these allocations.

7. The Parties will conduct a performance review, assessing the degree of realisation of commitments and disbursements, as well as the results and impact of the aid provided. This review will be undertaken on the basis of a proposal prepared by the Commission in 2010. It shall contribute to a decision on the amount of the financial cooperation after 2013.

8. Any Member State may provide the Commission or the EIB with voluntary contributions to support the objectives of the ACP-EC Partnership Agreement. Member States may also co-finance projects or programmes, for example in the framework of specific initiatives to be managed by the Commission or the EIB. ACP ownership at the national level of such initiatives must be guaranteed.

ANNEX II

TERMS AND CONDITIONS OF FINANCING

CHAPTER 1 INVESTMENT FINANCING

ARTICLE 1

1. The terms and conditions of financing in relation to the operations of the Investment Facility (Facility), the loans from own resources of the European Investment Bank (Bank) and special operations shall be as laid down in this Chapter. These resources may be channelled to eligible enterprises, either directly or indirectly, through eligible investment funds and/or financial intermediaries.

2. Funds for interest rate subsidies, as provided for under this Annex, will be made available from the interest subsidy allocation specified in Annex Ib, paragraph 2(c), to this Agreement.

3. Interest subsidies may be capitalised or may be used in the form of grants. The amount of the interest rate subsidy, calculated in terms of its value at the times of disbursement of the loan, shall be charged against the interest subsidy allocation specified in Annex Ib, paragraph 2(c), and paid directly to the Bank. Up to 15 % of this allocation for interest rate subsidies may also be used to support project related technical assistance in ACP countries².

4. These terms and conditions are without prejudice to terms and conditions that may be imposed upon ACP countries subject to restrictive borrowing conditions under the Heavily Indebted Poor Countries ("HIPC") or other internationally agreed debt sustainability frameworks. Accordingly, where such frameworks require a reduction in the interest rate of a loan by more than 3 %, as permitted under Articles 2 and 4 of this Chapter, the Bank shall seek to reduce the average cost of funds through appropriate co-financing with other donors. Should this not be deemed possible, the interest rate of the Bank loan may be reduced by such amount as required to comply with the level arising from the HIPC initiative or any internationally agreed debt sustainability framework.

ARTICLE 2

Resources of the investment facility

1. The resources of the Facility may be used, inter alia, to:

a) provide risk capital in the form of:

i) equity participation in ACP enterprises, including financial institutions;

² Decision No 1/2012 of the ACP-EU Council of Ministers of 15 June 2012 regarding the revision of terms and conditions of investment financing (Chapter 1 of Annex II to the ACP-EU Partnership Agreement)

- ii) quasi-capital assistance to ACP enterprises, including financial institutions; and
 - iii) guarantees and other credit enhancements which may be used to cover political and other investment-related risks, both for foreign and local investors or lenders.
- b) provide ordinary loans.
2. Equity participation shall normally be for non-controlling minority holdings and shall be remunerated on the basis of the performance of the project concerned.
3. Quasi-capital assistance may consist of shareholders' advances, convertible bonds, conditional, subordinated and participating loans or any other similar form of assistance. Such assistance may consist in particular of:
- a) conditional loans, the servicing and/or the duration of which shall be linked to the fulfilment of certain conditions with regard to the performance of the project; in the specific case of conditional loans for pre-investment studies or other project-related technical assistance, servicing may be waived if the investment is not carried out;
 - b) participating loans, the servicing and/or the duration of which shall be linked to the financial return of the project; and
 - c) subordinated loans, which shall be repaid only after other claims have been settled.
4. The remuneration of each operation shall be specified when the loan is made. However:
- a) in the case of conditional or participating loans, the remuneration shall normally comprise a fixed interest rate of not more than 3% and a variable component related to the performance of the project; and
 - b) in the case of subordinated loans, the interest rate shall be market related.
5. Guarantees shall be priced so as to reflect the risks insured and the particular characteristics of the operation.
6. The interest rate of ordinary loans shall comprise a reference rate applied by the Bank for comparable loans with the same terms and conditions as to grace and repayment periods and a mark up determined by the Bank.
7. Ordinary loans **in countries not subject to restrictive borrowing conditions under the HIPC or other internationally agreed debt sustainability frameworks** may be extended on concessional terms and conditions in the following cases:
- a) for infrastructure projects, **that are a prerequisite for private sector development** in the Least Developed Countries, in post-conflict countries and **in** post-natural disaster countries. In such cases, the interest rate of the loan will be reduced by **up to 3%**;
 - b) for projects which involve restructuring operations in the framework of privatisation or for projects with substantial and clearly demonstrable social or environmental benefits. In such cases, loans may be extended with an interest rate subsidy, the amount and form of

which will be decided with respect to the particular characteristics of the project. However, the interest rate subsidy shall not be higher than 3%.

The final rate of loans falling under **point** (a) or (b) shall, in any case, never be less than 50% of the reference rate.

8. The funds to be provided for these concessional purposes will be made available from **interest subsidy allocation referred to in Annex Ib, paragraph 2(c), to this Agreement.**

9. Interest subsidies may be capitalised or may be used in the form of grants. Up to 15% of the budget for interest rate subsidies may be used to support project related technical assistance in ACP countries³.

ARTICLE 3

Operations of the investment facility

1. The Investment Facility shall operate in all economic sectors and support investments of private and commercially run public sector entities, including revenue generating economic and technological infrastructure critical for the private sector. The Facility shall:

a) be managed as a revolving fund and aim at being financially sustainable. Its operations shall be on market-related terms and conditions and shall avoid creating distortions on local markets and displacing private sources of finances; and

b) support the ACP financial sector and have a catalytic effect by encouraging the mobilisation of long-term local resources and attracting foreign private investors and lenders to projects in the ACP States;

c) bear part of the risk of the projects it funds, its financial sustainability being ensured through the portfolio as a whole and not from individual interventions; and

d) seek to channel funds through ACP national and regional institutions and programmes that promote the development of small-and medium-sized enterprises (SMEs).

1a. The Bank shall be remunerated for the cost incurred in managing the Investment Facility. For the first two years after the entry into force of the second financial protocol, this remuneration shall be up to an amount of 2% p.a. of the total initial endowment of the Investment Facility. Thereafter, the remuneration of the Bank shall include a fixed component of 0,5% p.a. of the initial endowment and a variable component of an amount of up to 1,5% p.a. of the portfolio of the Investment Facility that is invested in projects in ACP countries. The remuneration shall be financed out of the Investment Facility.

2. On expiry of the Financial Protocol, and in the absence of a specific decision by the Council of Ministers, the cumulative net reflows to the Investment Facility shall be carried over to the next Protocol.

³ Decision No 1/2012 of the ACP-EU Council of Ministers of 15 June 2012 regarding the revision of terms and conditions of investment financing (Chapter 1 of Annex II to the ACP-EU Partnership Agreement)

ARTICLE 4
Bank own resource loans

1. The Bank shall:

a) contribute, through the resources it manages, to the economic and industrial development of the ACP States on a national and regional basis; and to this end, finance as a priority productive projects and programmes or other investments aimed at promoting the private sector in all economic sectors;

b) establish close cooperation links with national and regional development banks and with banking and financial institutions of the ACP States and of the EU; and

c) in consultation with the ACP State concerned, adapt the arrangements and procedures for implementing development finance cooperation, as set out in this Agreement, if necessary, to take account of the nature of the projects and programmes and to act in accordance with the objectives of this Agreement, within the framework of the procedures laid down by its statute.

2. Loans from the Bank's own resources shall be granted under the following terms and conditions:

a) the reference rate of interest shall be the rate applied by the Bank for a loan with the same conditions as to currency and **the** repayment period on the day of signature of the contract or on the date of disbursement;

b) however, **for countries which are not subject to restrictive borrowing conditions under the HIPC or other internationally agreed debt sustainability frameworks:**

i) in principle, public sector projects shall be eligible for an interest rate subsidy of **up to 3%**;

ii) private sector projects falling into the categories specified in Article 2 (7)(b) shall be eligible for interest rate subsidies on **the terms specified in that provision.**

The final interest rate shall, in any **such** case, never be less than 50% of the reference rate.

c) the repayment period of loans made by the Bank from its own resources shall be determined on the basis of the economic and financial characteristics of the project. These loans shall normally comprise a grace period fixed by reference to the construction period of the project.

3. For investments financed by the Bank from its own resources in public sector companies, specific project-related guarantees or undertakings may be required from the ACP State concerned.

ARTICLE 5

Conditions for foreign exchange rate risk

In order to minimise the effects of exchange rate fluctuations, the problems of exchange rate risk shall be dealt with in the following way:

- a) in the case of equity participation designed to strengthen an enterprise's own funds, the exchange rate risk shall, as a general rule, be borne by the Investment Facility;
- b) in the case of ordinary loans and risk capital financing for small-and medium-sized enterprises (SMEs), the exchange rate risk shall, as a general rule, be shared by the Community, on the one hand, and by the other Parties involved, on the other. On average, the foreign exchange rate risk should be shared equally and;
- c) where feasible and appropriate, particularly in countries characterised by macroeconomic and financial stability, the Facility will endeavour to extend loans in local ACP currencies, thus de facto taking the foreign exchange risk.

ARTICLE 6

Conditions for foreign exchange transfer

The ACP States concerned shall, in respect of operations under the Agreement, and in respect of which they have given their written approval within the framework of this Agreement:

- a) grant exemption from all national or local duties, fiscal charges on interest, commission and amortisation of loans due in accordance with the law or laws of the ACP State or States concerned;
- b) place at the disposal of the beneficiaries the currency necessary for the payment of interest, commission and the amortisation of loans due in terms of financing contracts granted for the implementation of projects and programmes on their territories; and
- c) make available to the Bank the foreign currency necessary for the transfer of all sums received by it in national currency at the exchange rate applicable between the Euro or other currencies of transfer and the national currency at the date of the transfer. These include all forms of remuneration, such as, inter alia, interest, dividends, commissions and fees, as well as the amortisation of loans and the proceeds from the sale of shares due in terms of financing contracts granted for the implementation of projects and programmes on their territories.

ARTICLE 6A
Annual reporting on the Investment Facility

Representatives of the EU Member States responsible for the Investment Facility, Representatives of the ACP States, as well as the European Investment Bank, the European Commission, the EU Council Secretariat and the ACP Secretariat shall meet annually to discuss the operations, performance and policy questions concerning the Investment Facility.

ARTICLE 6B
Review of performance of the Investment Facility

The overall performance of the Investment Facility shall be subject to a joint review at the mid-term and end-term of a financial protocol. Such an exercise may include a recommendation on how to improve the implementation of the Facility.

**CHAPTER 2
SPECIAL OPERATIONS**

ARTICLE 7

1. Cooperation shall support from the grant allocation:

- a) low-income housing to promote long-term development of the housing sector, including secondary mortgage facilities;
- b) micro-finance to promote SMEs and micro-enterprises; and
- c) capacity building to strengthen and facilitate the effective participation of the private sector in social and economic development.

2. The ACP-EC Council of Ministers shall, after the signature of this Agreement and on a proposal by the ACP-EC Development Finance Cooperation Committee, decide on the modalities and the amount of resources allocated from the long-term development envelope to attain these objectives.

**CHAPTER 3
FINANCING FOR SHORT-TERM FLUCTUATIONS IN EXPORT EARNINGS**

ARTICLE 8

1. The Parties recognise that losses of export earnings as a result of short-term fluctuations may jeopardise the development financing requirements and the implementation of macroeconomic and sectoral policies. The degree of dependence of an ACP State's economy

on the export of goods, and in particular from agricultural and mining products shall, therefore, be a criterion for determining the allocation of long-term development.

2. In order to mitigate the adverse effects of instability of export earnings and safeguard the development programme jeopardised by the drop in revenue, additional financial support may be mobilised from the programmable resources for the country's long-term development on the basis of Articles 9 and 10.

ARTICLE 9 Eligibility criteria ⁽⁴⁾

1. Eligibility for additional resources shall be established by:

— a 10 % (2 % in the case of least-developed, landlocked, island, **post-conflict and post-natural disaster** States) loss of export earnings from goods compared with **the arithmetic mean of the earnings in the four years preceding the application year, excluding the most extreme value, or**

— a 10 % (2 % in the case of least-developed, landlocked, island, **post-conflict and post-natural disaster** States) loss of export earnings from the total of agricultural or mineral products compared with **the arithmetic mean of the earnings in the four years preceding the application year, excluding the most extreme value for countries** where the agricultural or mineral export earnings represent more than 40 % of total export earnings from goods, or

— **a 10 % (2 % in the case of least-developed, landlocked, island, post-conflict and post-natural disaster States) loss of export earnings from the total of agricultural or mineral products compared with the arithmetic mean of the earnings in the four years preceding the application year, excluding the most extreme value for countries where the agricultural or mineral export earnings represent between 20 % and 40 % of total export earnings from goods, provided that total earnings do not increase more than proportionally with respect to the impact of the loss of export earnings from agricultural or mineral products as a proportion of total exports.**

2. The loss of export earnings defined in paragraph 1 must be 0,5 % of GDP or more for there to be entitlement to additional support. Entitlement to additional support shall be limited to three successive years.

3. The additional resources shall be reflected in the public accounts of the country concerned. They shall be utilised in accordance with programming rules and methods including the specific provisions in Annexe IV "Implementation and management procedures", on the basis of agreements drawn up in advance between the Community and the ACP State concerned in the year following the application. By agreement of both Parties the resources may be used to finance programmes included in national budget. However a part of the additional resources may also be set aside for specific sectors, **in particular to develop market-based insurance schemes offering protection against the risk of fluctuations in export earnings.**

⁴ Decision No 1/2008 of the ACP-EU Council of Ministers of 13 June 2008

ARTICLE 9A

1. The amount of additional financial support shall be equal to the loss of export earnings multiplied by the arithmetic mean of the “government revenue/gross domestic product” ratio of the four years preceding the application year, excluding the most extreme value and capping that ratio at 25 %.
2. The Commission shall analyse the data provided by the ACP States for the purpose of establishing eligibility and additional financial support as defined in Article 9 in the local currency corrected for inflation. The Commission will then convert the potential amount of additional financial support into euro in accordance with its procedures.
3. Each year, within the total financial allocation for national indicative programmes, the Commission shall establish an envelope covering all ACP countries to provide support in the event of short-term fluctuations in export earnings. If the amount of financial support calculated on the basis of the criteria defined in Article 9 exceeds the amount of that envelope, each ACP State’s share will be established in proportion to the potential amount of its additional financial support expressed in euro.

ARTICLE 10

Advances

The system for allocating additional resources shall provide for advances to cover any delays in obtaining consolidated trade statistics and to ensure that the resources in question can be included in the budget of the **second year following the application year at the latest. Advances shall be reserved for States where Flex financial support can be implemented by means of general budgetary support. They shall be mobilised on the basis of provisional export statistics drawn up by the government and submitted to the Commission. The maximum advance shall be 100 % of the amount of additional financial support for the application year. The amounts thus mobilised shall be adjusted in the light of the final consolidated export statistics. Those statistics shall be submitted no later than 31 December of the second year following the application year.**

ARTICLE 11

The provisions in this Chapter shall be subject to review at the latest after two years of operation and subsequently at the request of either Party.

CHAPTER 4

OTHER PROVISIONS

ARTICLE 12

Current payments and capital movements

1. Without prejudice to paragraph 3 hereafter, the Parties undertake to impose no restrictions on any payments, in freely convertible currency, on the current account of balance of payments between residents of the Community and of the ACP States.

2. With regard to transactions on the capital account of balance of payments, the Parties undertake to impose no restrictions on the free movement of capital relating to direct investments made in companies formed in accordance with the law of the host country and investments made in accordance with this Agreement, and the liquidation or repatriation of these investments and of any profit stemming therefrom.

3. Where one or more ACP State or one or more Member State of the Community is in serious balance of payments difficulties, or under threat thereof, the ACP State, the Member State or the Community may, in accordance with the conditions established under the GATT, GATS and Article VIII and XIV of the Articles of Agreement of the International Monetary Fund, adopt restrictions on current transactions which shall be of limited duration and may not go beyond what is necessary to remedy the balance of payments situation. The Party taking the measures shall inform the other Parties forthwith and shall submit to them as soon as possible a timetable for the elimination of the measures concerned.

ARTICLE 13

Qualification and treatment of business entities

As regards arrangements that may be applied in matters of establishment and provision of services, the ACP States, on the one hand, and the Member States, on the other, shall treat nationals and companies or firms of the ACP States and nationals and companies or firms of the Member States respectively on a non-discriminatory basis. However, if, for a given activity, an ACP State or a Member State is unable to provide such treatment, the ACP State or the Member State, as the case may be, shall not be bound to accord such treatment for that activity to the nationals and companies or firms of the State concerned.

ARTICLE 14

Definition of "companies and firms"

1. For the purpose of this Agreement, "companies or firms of a Member State or an ACP State" mean companies or firms constituted under civil or commercial law, including corporations, whether public or otherwise, cooperative societies and other legal persons and partnerships governed by public or private law, save for those which are non-profit-making, formed in accordance with the law of a Member State or an ACP State and whose statutory office, central administration or principal place of business is a Member State or an ACP State.

2. However, a company or firm having only its statutory office in a Member State or an ACP State must be engaged in an activity which has an effective and continuous link with the economy of that Member State or ACP State.

CHAPTER 5
INVESTMENT PROTECTION
AGREEMENTS

ARTICLE 15

1. When implementing the provisions of Article 78 of this Agreement, the Parties shall take into account the following principles:

a) a Contracting State may request where appropriate, the negotiation of an investment promotion and protection agreement with another Contracting State;

b) the States party to such agreements shall practise no discrimination between Contracting States party to this Agreement or against each other in relation to third countries when opening negotiations for concluding, applying and interpreting bilateral or multilateral investment promotion and protection agreements;

c) the Contracting States shall have the right to request a modification or adaptation of the non-discriminatory treatment referred to above when international obligations or changed circumstances so necessitate;

d) the application of the principles referred to above does not purport to and cannot in practice infringe the sovereignty of any Contracting Party to the Agreement; and

e) the relation between the date of entry into force of any agreement negotiated, provisions for the settlement of disputes and the date of the investments concerned will be set out in the said agreement, account being taken of the provisions set out above. The Contracting Parties confirm that retroactivity shall not apply as a general principle unless Contracting States stipulate otherwise.

2. With a view to facilitating the negotiation of bilateral agreements on investment promotion and protection, the Contracting Parties agree to study the main clauses of a model protection agreement. The study, drawing on the provisions of the existing bilateral agreements between the States Parties, will give particular attention to the following issues:

a) legal guarantees to ensure fair and equitable treatment and protection of foreign investors;

b) the most-favoured-investor clause;

c) protection in the event of expropriation and nationalisation;

d) the transfer of capital and profits, and

e) international arbitration in the event of disputes between investor and host State.

3. The Parties agree to study the capacity of the guarantee systems to give a positive answer to the specific needs of small and medium sized enterprises of insuring their investments in ACP States. The studies referred to above shall be started as soon as possible after the

signing of the Agreement. The result of these studies shall be submitted, upon completion to the ACP-EC Development Finance Cooperation Committee for consideration and appropriate action.

ANNEX III

INSTITUTIONAL SUPPORT, CDE AND CTA

ARTICLE 1

Cooperation shall support the institutional mechanisms that provide assistance for businesses and enterprises and promote agriculture and rural development. In this context, cooperation shall help to:

- a) strengthen and enhance the role of the Centre for the Development of Enterprise (CDE) so as to provide the private sector with the necessary support in the promotion of private sector development activities **in ACP countries and regions**; and
- b) strengthen and reinforce the role of the **Technical Centre for Agricultural and Rural Cooperation** (CTA) in ACP institutional capacity development, particularly information management, in order to improve access to technologies for increasing agricultural productivity, commercialisation, food security and rural development.

ARTICLE 2 CDE

1. The CDE shall **promote a business environment which is conducive to private sector development and** support the implementation of private-sector development strategies in the ACP countries by providing non-financial services **including consultancy services**, to ACP companies and businesses and support to joint initiatives set up by economic operators of the Community and of the ACP States. **In this regard, due account shall be taken of the needs arising from the implementation of the Economic Partnership Agreements.**

2. The CDE shall aim to assist private ACP enterprises to become more competitive in all sectors of the economy. It shall in particular:

- a) facilitate and promote business cooperation and partnerships between ACP and EU enterprises;
- b) assist with the development of business support services through support for capacity building in private sector owned organisations or support for providers of technical, professional, management, commercial and training support services;

c) provide assistance for investment promotion activities, such as investment promotion organisations, organisation of investment conferences, training programmes, strategy workshops and follow-up investment promotion missions;

d) support initiatives that contribute to **fostering innovation** and transfer **of** technologies and know-how and best practices on all aspects of business management;

e) inform the ACP private sector about the provisions of the Agreement; and

f) provide information to European companies and private sector organisations on business opportunities and modalities in ACP countries.

3. The CDE shall also contribute to the improvement of business environment at national and regional levels so as to support enterprises to take advantage of the progress in regional integration processes and trade opening. This shall include:

(a) assisting enterprises in meeting existing and new quality and other standards introduced by progress in regional integration and the implementation of the Economic Partnership Agreements;

(b) diffusing information within the local ACP private sector about the product quality and standards required in external markets;

(c) promoting regional and national business environment reforms, including by facilitating the dialogue between private sector and public institutions; and

(d) enhancing the role and function of national and/or regional service-providing intermediaries.

4. The activities of the CDE shall be based on the concept of coordination, complementarity and added value in respect of any private sector development initiatives taken by public or private entities. In particular, its activities shall be consistent with the national and regional development strategies as defined in Part 3 of this Agreement. The CDE shall exercise selectivity and ensure financial sustainability in undertaking its tasks. It shall ensure an appropriate division of tasks between its Headquarters and regional offices.

5. Periodic evaluations of the activities undertaken by the CDE shall be carried out.

6. The Committee of Ambassadors shall be the supervisory authority of the Centre. It shall, after the signature of this Agreement:

a) lay down the statutes of the Centre;

(b) appoint the members of the Executive Board;

(c) appoint the management of the Centre on a proposal from the Executive Board; and

(d) monitor the overall strategy of the Centre and supervise the work of the Executive Board.

7. The Executive Board shall, according to the statutes of the Centre:

- (a) lay down the financial and staff regulations and the rules of operation;**
- (b) supervise its work;**
- (c) adopt the programme and the budget of the Centre;**
- (d) submit periodic reporting and evaluations to the Supervisory Authority; and**
- (e) perform any other tasks allocated to it by the statutes of the Centre.**

8. The budget of the Centre shall be financed in accordance with the rules laid down in this Agreement in respect of development finance cooperation.

ARTICLE 3

CTA

1. The mission of the CTA shall be to strengthen policy and institutional capacity development and information and communication management capacities of ACP agricultural and rural development organisations. It shall assist such organisations in formulating and implementing policies and programmes to reduce poverty, promote sustainable food security, preserve the natural resource base, and thus contribute to building self-reliance in ACP rural and agricultural development.

2. The CTA shall:

a) develop and provide information services and ensure better access to research, training and innovations in the spheres of agricultural and rural development and extension, in order to promote agriculture and rural development; and

b) develop and reinforce ACP capacities in order to:

(i) improve the formulation and management of agricultural and rural development policies and strategies at national and regional levels including improved capacity for data collection, policy research, analysis and formulation;

(ii) improve the information and communication management, in particular within the National Agricultural Strategy;

(iii) promote effective intra-institutional Information and Communication Management (ICM) for performance monitoring, as well as consortia with regional and international partners;

(iv) promote decentralised ICM at local and national levels;

(v) strengthen initiatives via regional cooperation; and

(vi) develop approaches for assessing the impact of policy on agricultural and rural development.

3. The Centre shall support regional initiatives and networks and shall progressively share capacity development programmes with appropriate ACP organisations. To this end, the Centre shall support decentralised regional information networks. Such networks shall be built up gradually and efficiently.

4. Periodic evaluations of the activities undertaken by the CTA shall be carried out.

5. The Committee of Ambassadors shall be the supervisory authority of the Centre. It shall, after the signature of this Agreement:

(a) lay down the statutes of the Centre;

(b) appoint the members of the Executive Board;

(c) appoint the management of the Centre on a proposal from the Executive Board; and

(d) monitor the overall strategy of the Centre and supervise the work of the Executive Board.

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(c) adopt the programme and the budget of the Centre;

(d) submit periodic reporting and evaluations to the Supervisory Authority; and

(e) perform any other tasks allocated to it by the statutes of the Centre.

7. The budget of the Centre shall be financed in accordance with the rules laid down in this Agreement in respect of development finance cooperation.

ANNEXE IV

IMPLEMENTATION AND MANAGEMENT PROCEDURES

CHAPTER 1 PROGRAMMING (NATIONAL)

ARTICLE 1

Operations financed by grants within the framework of this Agreement shall be programmed at the beginning of the period covered by the **multi-annual financial framework of cooperation**.

Programming will be based on the principles of ownership, alignment, donor coordination and harmonisation, managing for development results and mutual accountability.

Programming for this purpose shall mean:

- a) the preparation and development of **country, regional or intra-ACP strategy papers (SP) based on their own** medium-term development objectives and strategies, **and taking into account the principles of joint programming and division of labour among donors, which shall, to the extent possible, be a partner country or region led process;**
- b) a clear indication from the Community of the indicative programmable financial allocation from which the country, **region or intra-ACP cooperation** may benefit during the **period covered by the multi-annual financial framework of cooperation under this Agreement** as well as any other relevant information, **including a possible reserve for unforeseen needs;**
- c) the preparation and adoption of an indicative programme for implementing the **SP, taking into account commitments of other donors, and in particular of the EU Member States;** and
- d) a review process covering the **SP**, the indicative programme and the volume of resources allocated to it.

ARTICLE 2 **Country Strategy Paper**

The **country strategy paper (CSP)** shall be prepared by the ACP State concerned and the EU. **It shall draw from prior consultation with a wide range of actors including non-State actors, local authorities and, where relevant, ACP Parliaments**, and shall draw on lessons learned and best practices. Each **CSP** shall be adapted to the needs and respond to the specific circumstances of each ACP State. The **CSP** shall be an instrument to prioritise activities and to build local ownership of cooperation programmes. Any divergences between the country's own analysis and that of the Community shall be noted. The **CSP** shall include the following standard elements:

- a) an analysis of the political, economic and social, **and environmental** country context, constraints, capacities and prospects including an assessment of basic needs, such as income per capita, population size and social indicators, and vulnerability;
- b) a detailed outline of the country's medium-term development strategy, clearly defined priorities and expected financing requirements;
- c) an outline of relevant plans and actions of other donors present in the country, in particular including those of the EU Member States in their capacity as bilateral donors;
- d) response strategies, detailing the specific contribution the EU can provide. These shall, to the extent possible, enable complementarity with operations financed by the ACP State itself and by other donors present in the country; and
- e) **an indication** of the most appropriate support **and implementation mechanisms** to be applied in implementing the above strategies.

ARTICLE 3 Resource allocation

1. **The indicative** resource allocation **among ACP countries** shall be based on **standard, objective and transparent** needs and performance criteria. In this context:

- a) needs shall be assessed on the basis of criteria pertaining to per capita income, population size, social indicators and level of indebtedness **and vulnerability to exogenous shocks**. Special treatment shall be accorded to the least developed ACP States, and the vulnerability of island and landlocked States shall duly be taken into account. In addition, account shall be taken of the particular difficulties of countries dealing with the aftermath of conflict or natural disaster; and
- b) performance shall be assessed **on the basis of criteria pertaining to governance**, progress in implementing institutional reforms, country performance in the use of resources, effective implementation of current operations, poverty alleviation or reduction, **progress towards achieving the Millennium Development Goals**, sustainable development measures and macroeconomic and sectoral policy performance.

2. The allocated resources shall comprise:

- a) **a programmable** allocation to cover macroeconomic support, sectoral policies, programmes and projects in support of the focal or non focal areas of Community assistance. **The programmable allocation** shall facilitate the long-term programming of Community aid for the country concerned. Together with **other** possible Community resources, these allocations shall be the basis for the preparation of the indicative programme for the country concerned; and

b) an allocation to cover unforeseen needs such as **those defined in Articles 66 and 68 and Articles 72, 72a and 73 of this Agreement, accessible under the conditions set out in those Articles, where such support cannot be financed from the Union's budget.**

3. Provision will be made **on the basis of the reserve for unforeseen needs** for those countries which, due to exceptional circumstances, can not access normal programmable resources.

4. Without prejudice to Article 5(7) concerning reviews, the Community may, in order to take account of special needs or exceptional performance, increase a country's programmable allocation **or its allocation for unforeseen needs:**

(a) new needs may result from exceptional circumstances such as crisis and post-crisis situations or from unforeseen needs as referred to in paragraph 2(b);

(b) exceptional performance is a situation in which, outside the mid-term and end-of-term reviews, a country's programmable allocation is totally committed and additional funding from the national indicative programme can be absorbed against a background of effective poverty-reduction policies and sound financial management.

ARTICLE 4

Preparation and adoption of the indicative programme

1. Upon receipt of the information referred to above, each ACP State shall draw up and submit to the Community a draft indicative programme on the basis of and consistent with its development objectives and priorities as expressed in the CSS. The draft indicative programme shall contain:

a) **general budget support and/or a limited number of** the focal sectors or areas on which support should be concentrated;

b) the most appropriate measures and operations for attaining the objectives and targets in the focal sector**(s)** or area**(s)**;

c) the resources **possibly** reserved for **a limited number of** programmes and projects outside the focal sector**(s)** **or area(s)** and/or the broad outlines of such activities, as well as an indication of the resources to be deployed for each of these elements;

d) the types of non-State actors eligible for funding, in accordance with the criteria laid down by the Council of Ministers, the resources allocated for non-State actors and the type of activities to be supported, which must be not-for-profit;

e) proposals for **a possible participation in** regional programmes and projects; and

f) a **possible** reserve for insurance against possible claims and to cover cost increases and contingencies.

2. The draft indicative programme shall, as appropriate, contain the resources reserved to reinforce human, material and institutional ACP capacity for preparing and implementing

national and regional indicative programmes **and possible participations in programmes and projects funded from the regional indicative programmes** and for improving the management of the ACP States' public investment projects cycle.

3. The draft indicative programme shall be the subject of an exchange of views between the ACP State concerned and the Community. The indicative programme shall be adopted by common agreement between the Commission on behalf of the Community and the ACP State concerned. It shall, when adopted, be binding on both the Community and that State. This indicative programme shall be annexed to the **CSP** and shall in addition contain:

a) **an indication** of specific and clearly identified operations, especially those that can be committed before the next review;

b) **an indicative** timetable for implementation and review of the indicative programme, including commitments and disbursements of resources; and

c) **results oriented** criteria for the reviews.

4. The Community and the ACP State concerned shall take all necessary measures to ensure that the programming process is completed within the shortest possible time and, save in exceptional circumstances, within twelve months of the adoption of the **multi-annual financial framework of cooperation**. In this context, the preparation of the **CSP** and the indicative programme must be part of a continuous process leading to the adoption of a single document.

5. When an ACP State faces a crisis situation as the result of a war or other conflict, or exceptional circumstances with a comparable effect, preventing the National Authorising Officer from carrying out his duty, the Commission may itself manage the resources allocated to the State in question in accordance with Article 3 and use it for special support. Special support may concern peace building policies, conflict management and resolution, post-conflict support, including institution-building, economic and social development activities, taking particular account of the needs of the most vulnerable sections of the population. The Commission and the ACP State concerned shall revert to normal implementation and normal management procedures as soon as the authorities responsible for managing cooperation are able to do so once more.

ARTICLE 5

Review process

1. Financial cooperation between the ACP State and the Community shall be sufficiently flexible to ensure that operations are kept constantly in line with the objectives of this Agreement and to take account of any changes occurring in the economic situation, priorities and objectives of the ACP State concerned. In this context, the National Authorising Officer and the Commission shall:

a) annually undertake an operational review of the indicative programme; and

b) undertake a mid-term and end-of-term review of the CSS and the indicative programme in the light of current needs and performance.

2. In exceptional circumstances **as referred to in Article 3(4), in order to take into account new needs or exceptional performance, an ad hoc** review can be carried out on the demand of either Party.

3. The National Authorising Officer and the Commission shall:

a) take all necessary measures to ensure adherence to the provisions of the indicative programme, including ensuring that the timetable of commitments and disbursements agreed at the time of programming is adhered to; and

b) determine any causes of delay in implementation and propose suitable measures to remedy the situation.

4. The annual operational review of the indicative programme shall consist of a joint assessment of the implementation of the programme and take into account the results of relevant activities of monitoring and evaluation. This review shall be conducted locally and shall be finalised between the National Authorising Officer and the Commission, **in consultation with the appropriate stakeholders, including non-State actors, local authorities and, where relevant, ACP parliaments.** They shall in particular cover an assessment of:

a) the results achieved in the focal sector(s) measured against the identified targets and impact indicators and sectoral policy commitments;

b) programmes and projects outside the focal sector(s)and/or in the framework of multi annual programmes;

c) the use of resources set aside for non State actors;

d) the effectiveness in implementation of current operations and the extent to which the timetable for commitments and payments have been respected; and

e) an extension of the programming perspective for the following years.

5. **The** Commission shall submit **once a year a synthesis** report on the conclusion of the annual **operational** review to the Development Finance Cooperation Committee, within 30 days of the completion of the operational review. The Committee shall examine the report in accordance with its responsibilities and powers under the Agreement.

6. In the light of the annual operational reviews, the National Authorising Officer and the Commission may at the mid-term and end-of-term reviews, and within the above time frames, review and adapt the **CSP**:

a) where operational reviews indicate specific problems; and/or

b) in the light of changed circumstances of an ACP State.

A change in the CSP may also be decided as a result of the ad hoc review process foreseen under paragraph 2.

The end-of-term review may also include adaptation for the new multi-annual financial framework of cooperation in terms of both resource allocation and preparation for the next programme.

7. Following the completion of the midterm and end-of-term reviews, the Commission may, on behalf of the Community, increase or decrease the resource allocation of a country in the light of current needs and performance of the ACP State concerned.

Following an ad hoc review as foreseen under paragraph 2, the Commission may, on behalf of the Community, also increase the resource allocation in the light of new needs or exceptional performance of the ACP State concerned, as defined in Article 3(4).

CHAPTER 2 PROGRAMMING AND PREPARATION (REGIONAL)

ARTICLE 6 Scope

1. Regional cooperation shall cover operations benefiting and involving:

- a) two or more or all ACP States as well as any non-ACP developing countries participating in these operations, and/or
- b) a regional body of which at least two ACP States are members, including those with members which are non-ACP countries.

2. Regional cooperation can also involve Overseas Countries and Territories and outermost regions. The funding to enable participation of these territories shall be additional to funds allocated to the ACP States under the Agreement.

3. Requests for financing of regional programmes shall be submitted by:

- (a) a duly mandated regional body or organisation; or
- (b) a duly mandated sub-regional body, organisation or an ACP State in the region concerned at the programming stage, provided that the operation has been identified in the regional indicative programme (RIP).

4. The participation of non-ACP developing countries to regional programmes shall be envisaged only to the extent that:

- (a) the centre of gravity of the projects and programmes funded under the multi-annual financial framework of cooperation remains in an ACP country;
- (b) equivalent provisions exist in the framework of the Community's financial instruments; and

(c) the principle of proportionality is respected.

ARTICLE 7
Regional programmes

The ACP States concerned shall decide on the definition of geographical regions. To the maximum extent possible, regional integration programmes should correspond to programmes of existing regional organisations. In principle, in case the membership of several relevant regional organisations overlaps, the regional integration programme should correspond to the combined membership of these organisations.

ARTICLE 8
Regional programming

1. Programming shall take place at the level of each region. The programming shall be a result of an exchange of views between the Commission and the duly mandated regional organisation(s) concerned, and in the absence of such a mandate, the National Authorising Officers of the countries in that region. Where appropriate, programming may include a consultation with eligible non-State actors **represented at regional level and, where relevant, regional parliaments.**

2. The **regional strategy paper (RSP)** shall be prepared by the Commission and the duly mandated regional organisation(s) in collaboration with the ACP States in the region concerned, **on the basis of the principle of subsidiarity and complementarity, taking into account the programming of the CSP.**

3. The **RSP** will be an instrument to prioritise activities and to build local ownership of supported programmes. The **RSP** shall include the following standard elements:

- a) an analysis of the political, economic and social **and environmental** context of the region;
- b) an assessment of the process and prospects of regional economic integration and integration into the world economy;
- c) an outline of the regional strategies and priorities pursued and the expected financing requirements;
- d) an outline of relevant activities of other external partners in regional cooperation;
- e) an outline of the specific EU contribution towards achievement of the goals for regional cooperation and integration, complementary insofar as possible to operations financed by the ACP States themselves and by other external partners, particularly the EU Member States; **and**

(f) an indication of the most appropriate support and implementation mechanisms to be applied in implementing the above strategies.

ARTICLE 9
Resource allocation

1. The indicative resource allocation **among ACP regions** shall be based on **standard, objective and transparent** estimates of needs and the progress and prospects in the process of regional cooperation and integration.

2. The allocated resources shall comprise:

(a) a programmable allocation to cover support to regional integration, sector policies, programmes and projects in support of the focal or non-focal areas of Community assistance; and

(b) an allocation for each ACP region to cover unforeseen needs such as those defined in Articles 72, 72a and 73 of this Agreement where, given the cross-border nature and/or scope of the unforeseen need, such support can more effectively be provided at regional level. These funds shall be accessible under the conditions set out in Articles 72, 72a and 73 of this Agreement, where such support cannot be financed from the Union's budget. Complementarity between interventions provided for under this allocation and possible interventions at country level shall be ensured.

3. The programmable allocation shall facilitate the long-term programming of Community aid for the region concerned. In order to achieve an adequate scale and to increase efficiency, regional and national funds may be mixed for financing regional operations with a distinct national component.

A regional allocation for unforeseen needs may be mobilised to the benefit of the region concerned and of ACP countries outside the region where the nature of the unforeseen need requires their involvement and the centre of gravity of the projects and programmes envisaged remains on the region.

4. Without prejudice to Article 11 concerning reviews, the Community may, in order to take account of new needs or exceptional performance, increase a region's **programmable allocation or its allocation for unforeseen needs:**

(a) new needs are needs resulting from exceptional circumstances such as crisis and post-crisis situations or from unforeseen needs as referred to in paragraph 2(b);

(b) exceptional performance is a situation in which, outside the mid-term and end-of-term reviews, a region's allocation is totally committed and additional funding from the regional indicative programme can be absorbed against a background of effective regional integration and sound financial management.

ARTICLE 10
Regional indicative programme

1. On the basis of the resource allocation indicated above, the duly mandated regional organisation(s), and in the absence of such a mandate, the National Authorising Officers of

the countries in the region, shall draw up a draft Regional Indicative Programme. In particular, the draft programme shall specify:

- a) the focal sectors and themes of Community aid;
- b) the most appropriate measures and operations to achieve the objectives set for those sectors and themes; and
- c) the programmes and projects enabling those objectives to be attained, insofar as they have been clearly identified as well as an indication of the resources to be deployed for each of these elements and a timetable for their implementation.

2. The Regional Indicative Programmes shall be adopted by common agreement between the Community and the **duly mandated regional organisation(s) or, in the absence of such a mandate, the** ACP States concerned.

ARTICLE 11 Review process

1. Financial cooperation between each ACP region and the Community shall be sufficiently flexible to ensure that operations are kept constantly in line with the objectives of this Agreement and to take account of any changes occurring in the economic situation, priorities and objectives of the region concerned. A mid-term and end-of-term review of the regional indicative programmes shall be undertaken to adapt the indicative programme to evolving circumstances and to ensure that they are correctly implemented. Following the completion of mid-term and end-of-term reviews, the Community may revise the resource allocation in the light of current needs and performance.

2. **In exceptional circumstances as referred to in Article 9(4), in order to take into account new needs or exceptional performance, the review can be carried out on the demand of either Party. As a result of an ad hoc review, a change in the RSP may be decided by both Parties and/or the resource allocation increased by the Commission on behalf of the Community.**

The end-of-term review may also include adaptation for the new multi-annual financial framework of cooperation in terms of both resource allocation and preparation for the next regional indicative programme.

ARTICLE 12 Intra-ACP cooperation

1. **Intra-ACP cooperation shall, as an instrument of development, contribute to the objective of the ACP-EC Partnership. The Intra-ACP cooperation is a supra-regional cooperation. It aims to address the shared challenges facing ACP States through operations that transcend the concept of geographic location and benefit many or all ACP States.**

2. **In keeping with the principles of subsidiarity and complementarity, an intra-ACP intervention is envisaged when national and/or regional action proves impossible or less**

effective, so as to provide added value in comparison to the operations carried out with other cooperation instruments.

3. When the ACP Group decides to contribute to international or inter-regional initiatives from the intra-ACP fund, appropriate visibility shall be ensured.

ARTICLE 12A Intra-ACP strategy paper

1. The programming of the Intra-ACP cooperation shall be the result of an exchange of views between the Commission and the ACP Committee of Ambassadors, and shall be jointly prepared by the Commission services and the ACP Secretariat, following consultations with relevant actors and stakeholders.

2. The Intra-ACP strategy paper defines the priority actions of the Intra-ACP cooperation and actions necessary to build ownership of supported programmes. It shall include the following standard elements:

- (a) an analysis of the political, economic, social and environmental context of the ACP Group of States;
- (b) an assessment of Intra-ACP cooperation as to its contribution to achieving the objectives of this Agreement and lessons learnt;
- (c) an outline of the Intra-ACP strategy and objectives pursued and the expected financing requirements;
- (d) an outline of relevant activities of other external partners in the cooperation; and
- (e) an indication of the EU contribution towards achievement of the objectives of the Intra-ACP cooperation and its complementarity to operations financed at the national and regional levels and by other external partners, particularly the EU Member States.

ARTICLE 12B Requests for financing

Requests for financing of intra-ACP programmes shall be submitted:

- (a) directly by the ACP Council of Ministers or the ACP Committee of Ambassadors; or
- (b) indirectly by:
 - (i) at least three duly mandated regional bodies or organisations belonging to different geographic regions, or at least two ACP States from each of the three regions;
 - (ii) international organisations, such as the African Union, carrying out operations that contribute to the objectives of regional cooperation and integration, subject to prior approval by the ACP Committee of Ambassadors; or
 - (iii) the Caribbean or Pacific regions, in view of their particular geographic situation, subject to prior approval by the ACP Council of Ministers or the ACP Committee of Ambassadors.

ARTICLE 12C
Resource allocation

The indicative resource allocation shall be based on the estimates of needs and the progress and prospects in the process of Intra-ACP cooperation. It shall comprise a reserve of non-programmed funds.

ARTICLE 13
Intra-ACP indicative programme

1. The Intra-ACP indicative programme comprises the following main standard elements:

(a) focal sectors and themes of Community aid;

(b) the most appropriate measures and actions for achieving the objectives set for the focal sectors and themes; and

(c) the programmes and projects necessary to achieve the objectives identified, insofar as they have been clearly identified, as well as an indication of the resources to be allocated to each of them and an implementation timetable.

2. The Commission and the ACP Secretariat shall identify and appraise the corresponding actions. On this basis, the intra-ACP indicative programme shall be jointly prepared by the services of the Commission and the ACP Secretariat and presented to the ACP-EC Committee of Ambassadors. It shall be adopted by the Commission, on behalf of the Community and by the ACP Committee of Ambassadors.

3. Without prejudice to point (iii) of Article 12b(b), the ACP Committee of Ambassadors shall present each year a consolidated list of requests for financing of the priority actions foreseen in the Intra-ACP indicative programme. The Commission shall identify and prepare the corresponding actions with the ACP Secretariat as well as an annual action programme. To the extent possible and in consideration of the allocated resources, requests for financing of actions not foreseen in the Intra-ACP indicative programme shall be included in the annual action programme. In exceptional cases, these requests are adopted through a special financing decision of the Commission.

ARTICLE 14
Review process

1. Intra-ACP cooperation should be sufficiently flexible and reactive to ensure that its actions remain consistent with the objectives of this Agreement and to take account of any changes in the priorities and objectives of the ACP Group of States.

2. The ACP Committee of Ambassadors and the Commission shall undertake a mid-term and end-of-term review of the intra-ACP cooperation strategy and indicative programme to adapt it to current circumstances and ensure its correct implementation. If circumstances so require, ad hoc reviews may also be conducted to take account of new needs which may arise from exceptional or unforeseen circumstances, such as those arising from new challenges which are common to ACP countries.

3. The ACP Committee of Ambassadors and the Commission may, at the mid-term and end-of-term reviews, or after an ad hoc review, review and adapt the Intra-ACP cooperation strategy paper.

4. Following the mid-term and end-of-term review exercises, or ad hoc reviews, the ACP Committee of Ambassadors and the Commission may adjust the allocations within the intra-ACP indicative programme and mobilise the non-programmed Intra-ACP reserve.

CHAPTER 3 APPRAISAL AND FINANCING

ARTICLE 15

Identification, preparation and appraisal of programmes and projects

1. Programmes and projects that have been presented by the ACP State concerned **or the relevant organisation or body at regional or intra-ACP level** shall be subject to joint appraisal. The ACP-EC Development Finance Cooperation Committee shall develop the general guidelines and criteria for appraisal of programmes and projects. These programmes and projects are generally multi-annual and may incorporate a whole range of actions of a limited size in a particular area.

2. Programme and project dossiers prepared and submitted for financing must contain all information necessary for the appraisal of the programmes and projects or, where programmes and projects have not been completely defined, provide the broad outlines necessary for their appraisal.

3. Programme and project appraisal shall take due account of national human resource constraints and ensure a strategy favourable to the promotion of such resources. It shall also take into account the specific characteristics and constraints of each ACP State **or region**.

4. Programmes and projects to be implemented by non-State actors which are eligible in accordance with this Agreement may be appraised by the Commission alone and give rise to the establishment, between the Commission and non-State actors, of grant contracts as defined in Article 19a. This appraisal shall comply with Article 4(1)(d) regarding the types of actors, their eligibility and the type of activity to be supported. The Commission, through the Head of Delegation, shall inform the **relevant Authorising Officer** of such allocated grants.

ARTICLE 16

Financing proposal and decision

1. The conclusions of the appraisal shall be summarised in a financing proposal, the final version of which shall be drawn up by the Commission in close collaboration with the ACP State concerned **or the relevant organisation or body at regional or intra-ACP level**.

2 [deleted]

3 [deleted]

4. The Commission, acting on behalf of the Community, shall communicate its financing decision to the ACP State concerned **or the relevant organisation or body at regional or intra-ACP level** within 90 days from the date on which the final version of the financial proposal is drawn up.

5. Where the financing proposal is not adopted by the Commission on behalf of the Community, the ACP State concerned **or the relevant organisation or body at regional or intra-ACP level** shall be informed immediately of the reasons for that decision. In such a case, the representatives of the ACP State concerned **or the relevant organisation or body at regional or intra-ACP level** may, within 60 days thereafter, request either:

a) that the matter be referred to the ACPEC Development Finance Cooperation Committee set up under this Agreement; or

b) that they be given a hearing by the Community's representatives.

6. Following such a hearing, a definitive decision to adopt or reject the financing proposal shall be taken by the Commission on behalf of the Community. Before any decision is taken, the ACP State concerned **or the relevant organisation or body at regional or intra-ACP level** may forward to the Commission any facts which may appear necessary to supplement the information available to it.

ARTICLE 17 Financing agreement

1. As a rule, programmes and projects financed by the multi-annual financial framework of cooperation are subject to a financing agreement drawn up by the Commission and the ACP State or the relevant organisation or body at regional or intra-ACP level.

2. The financing agreement shall be drawn up within 60 days **following the communication** of the **financing** decision taken by the Commission. The financing agreement shall:

(a) specify, in particular, the details of the Community's financial contribution, the financing arrangements and terms and the general and specific provisions relating to the programme or project concerned, **including expected outcomes and results;** and

(b) make adequate provision for appropriations to cover cost increases, contingencies, **audits and evaluations.**

3. Any unexpended balance left upon closure of the accounts of programmes and projects **within the timeframe for commitments of the multi-annual financial framework of cooperation from which the programmes and projects have been funded** shall accrue to the ACP State **or the relevant organisation or body at regional or intra-ACP level.**

ARTICLE 18
Cost over-runs

1. Once it appears that there is a risk of cost over-runs over and above the financing available under the financing agreement, the National Authorising Officer shall notify the Commission and request its prior approval on the measures which the **relevant** Authorising Officer intends to take in order to cover such cost over-runs, either by reducing the scale of the programme or project or by calling on national or other non Community resources.
2. If it is not possible to reduce the scale of the programme or project or to cover the over-runs with other resources, the Commission, acting on behalf of the Community, may, on the basis of a reasoned request from the **relevant** Authorising Officer, take an additional financing decision on resources from the indicative programme.

ARTICLE 19
Retroactive financing

1. In order to ensure early project start-up, avoid gaps between sequential projects and prevent delays, the ACP States **or the relevant organisation or body at regional or intra-ACP level may**, on completion of project appraisal and before the financing decision is taken, pre-finance activities linked to the start-up of programmes, preliminary and seasonal work, orders for equipment with long delivery lead times as well as some on-going operations. Such expenditure shall satisfy the procedures provided for in this Agreement.
2. Any expenditure referred to in paragraph 1 shall be mentioned in the financing proposal and shall be without prejudice to the financing decision taken by the Commission on behalf of the Community.
3. Expenditure made by the ACP State **or the relevant organisation or body at regional or intra-ACP level** under this Article shall be retroactively financed under the programme or project, once the financing agreement is signed.

**CHAPTER 4
IMPLEMENTATION**

ARTICLE 19A
Implementation measures

1. Implementation of programmes and projects financed from **the multi-annual financial framework of cooperation under this Agreement** shall consist chiefly of the following:
 - a) awarding of procurement contracts;
 - b) awarding of grants;
 - c) performance by direct labour;

d) direct payments as budgetary support, support for sectoral programmes, debt relief and support to **mitigate the adverse effects resulting from short-term exogenous shocks including** fluctuations of exports earnings.

2. In the context of this Annexe, procurement contracts are contracts for pecuniary interest concluded in writing in order to obtain, against payment of a price, the supply of movable assets, the execution of works or the provision of services.

3. In the context of this Annexe, grants are direct financial contributions awarded by way of a donation in order to finance:

a) either an action designed to help achieve an objective of this Agreement or of a programme or project adopted in accordance with this Agreement, or

b) the functioning of a body which pursues such an objective.

Grants shall be covered by a written contract.

ARTICLE 19B

Tender procedure with suspension clause

In order to ensure early project start-up, the ACP States **or the relevant organisation or body at regional or intra-ACP level** may, in all duly substantiated cases and in agreement with the Commission, issue invitations to tender for all types of contracts with a suspension clause, once project appraisal is completed but before the financing decision is taken. Such a provision must be mentioned in the financing proposal.

ARTICLE 19C

Awarding contracts, awarding grants and performing contracts

1. Except as provided for in Article 26, contracts and grants shall be attributed and implemented according to Community rules and, except in the specific cases provided for by these rules, according to the standard procedures and documentation set and published by the Commission for the purposes of implementing cooperation actions with third countries and in force at the time the procedure in question is launched.

2. In decentralised management, where a joint assessment shows that the procedures for awarding contracts and grants in the ACP State or the recipient region or the procedures approved by the fund providers are in accordance with the principles of transparency, proportionality, equal treatment and non-discrimination and preclude any kind of conflict of interest, the Commission shall use these procedures, in accordance with the Paris Declaration and without prejudice to Article 26, in full respect of the rules governing the exercise of its powers in this field.

3. The ACP State or the relevant organisation or body at regional or intra-ACP level shall undertake to check regularly that the operations financed from the multi-annual financial framework of cooperation under this Agreement have been properly implemented, to take

appropriate measures to prevent irregularities and fraud, and, if necessary, to take legal action to recover unduly paid funds.

4. In decentralised management, contracts are negotiated, established, signed and performed by the ACP States or the relevant organisation or body at regional or intra-ACP level. These States or the relevant organisation or body at regional or intra-ACP level may, however, call upon the Commission to negotiate, establish, sign and perform contracts on their behalf.

5. Pursuant to the commitment referred to in Article 50 of this Agreement, contracts and grants financed from resources from the multi-annual financial framework of cooperation with the ACP shall be performed in accordance with internationally recognised basic standards in the field of labour law.

6. An expert group of representatives of the Secretariat of the ACP Group of States and the Commission shall be set up to identify, at the request of one or other of the parties, any appropriate alterations and to suggest amendments and improvements to the rules and procedures referred to in paragraphs 1 and 2.

This expert group shall also submit a periodic report to the ACP-EC Development Finance Cooperation Committee to assist it in its task of examining the problems surrounding the implementation of development cooperation activities and proposing appropriate measures.

ARTICLE 20

Eligibility

Save where a derogation is granted in accordance with Article 22, and without prejudice to Article 26:

1. Participation in procedures for the awarding of procurement contracts or grants financed from the **multi-annual financial framework of cooperation under this Agreement** shall be open to:

(a) all natural persons who are nationals of, or legal persons who are established in, an ACP State, a Member State of the European Community, an official candidate country of the European Community or a Member State of the European Economic Area;

(b) all natural persons who are nationals of, or legal persons who are established in, a Least Developed Country as defined by the United Nations.

1a. Participation in procedures for the awarding of procurement contracts or grants financed from the multi-annual financial framework of cooperation under this Agreement shall be open to all natural persons who are nationals of, or legal persons established in, any country other than those referred to in paragraph 1, where reciprocal access to external assistance has been established. Reciprocal access in the Least Developed Countries as defined by the United Nations shall be automatically granted to the OECD/DAC members.

Reciprocal access shall be established by means of a specific Commission decision concerning a given country or a given regional group of countries. The decision shall be adopted by the Commission in agreement with the ACP States and shall be in force for a minimum period of one year.

2. Services under a contract financed from the multi-annual financial framework of cooperation under this Agreement may be provided by experts of any nationality, without prejudice to the qualitative and financial requirements set out in the Community's procurement rules.

3. Supplies and materials purchased under a contract financed from the **multi-annual financial framework of cooperation under this Agreement** must originate in a State that is eligible under paragraphs 1 or 1a. In this context, the definition of the concept of "originating products" shall be assessed by reference to the relevant international agreements, and supplies originating in the Community shall include supplies originating in the Overseas Countries and Territories

4. Participation in procedures for the awarding of procurement contracts or grants financed from the **multi-annual financial framework of cooperation under this Agreement** shall be open to international organisations.

5. Whenever the **multi-annual financial framework of cooperation under this Agreement** finances an operation implemented through an international organisation, participation in procedures for the awarding of procurement contracts or grants shall be open to all natural and legal persons who are eligible under paragraphs 1 or 1a, and to all natural and legal persons who are eligible according to the rules of the organisation, care being taken to ensure equal treatment of all donors. The same rules apply for supplies and materials.

6. Whenever the **multi-annual financial framework of cooperation under this Agreement** finances an operation implemented as part of a regional initiative, participation in procedures for the awarding of procurement contracts or grants shall be open to all natural and legal persons who are eligible under paragraphs 1 or 1a, and to all natural and legal persons from a country participating in the relevant initiative. The same rules apply for supplies and materials.

7. Whenever the **multi-annual financial framework of cooperation under this Agreement** finances an operation co-financed with a third State, participation in procedures for the awarding of procurement contracts or grants shall be open to all natural and legal persons eligible under paragraphs 1 or 1a, and to all persons eligible under the rules of the above mentioned third State. The same rules apply for supplies and materials.

ARTICLE 21

Participation on equal terms

[Deleted]

ARTICLE 22
Derogation

1. In exceptional duly substantiated circumstances, natural or legal persons from third countries not eligible under Article 20 may be authorised to participate in procedures for the awarding of procurement contracts or grants financed by the Community **from the multi-annual financial framework of cooperation under this Agreement** at the justified request of the ACP States **or the relevant organisation or body at regional or intra-ACP level**. The ACP State **or the relevant organisation or body at regional or intra-ACP level** shall, on each occasion, provide the Commission with the information needed to decide on such derogation, with particular attention being given to:

- a) the geographical location of the ACP State **or region** concerned;
- b) the competitiveness of contractors, suppliers and consultants from the Member States and the ACP States;
- c) the need to avoid excessive increases in the cost of performance of the contract;
- d) transport difficulties or delays due to delivery times or other similar problems;
- e) technology that is the most appropriate and best suited to local conditions;
- f) cases of extreme urgency;
- g) the availability of products and services in the relevant markets.

2. In the case of projects financed from the Investment Facility, the procurement rules of the Bank shall apply.

ARTICLE 23
Competition

[Deleted]

ARTICLE 24
Implementation by direct labour

1. In the case of direct labour operations, programmes and projects shall be implemented through public or semi-public agencies or departments of the ACP State or States concerned or by the legal person responsible for executing the operation.

2. The Community shall contribute to the costs of the department involved by providing the equipment and/or materials that it lacks and/or resources to allow it to acquire additional staff required in the form of experts from within the ACP States concerned or other ACP States. The Community's participation shall cover only costs incurred by supplementary

measures and temporary expenditure relating to execution that are strictly confined to the requirements of the programmes and projects in question.

3. Programme estimates implementing direct-labour operations must comply with the Community rules, procedures and standard documents laid down by the Commission, as applicable at the time of approval of the programme estimates.

ARTICLE 25
Emergency assistance contracts

[Deleted]

ARTICLE 26
Preferences

1. Measures shall be taken to encourage the widest participation of the natural and legal persons of ACP States in the performance of contracts financed by **multi-annual financial framework of cooperation under this Agreement** in order to permit the optimisation of the physical and human resources of those States. To this end:

a) for works contracts of a value of less than EUR 5 000 000, tenderers of the ACP States, provided that at least one quarter of the capital stock and management staff originates from one or more ACP States, shall be accorded a 10% price preference where tenders of an equivalent economic, technical and administrative quality are compared;

b) for supply contracts, irrespective of the value of the supplies, tenderers of the ACP States who offer supplies of at least 50% in contract value of ACP origin, shall be accorded a 15% price preference where tenders of equivalent economic, technical and administrative quality are compared;

c) in respect of service contracts, where tenders of equivalent economic and technical quality are compared, preference shall be given to:

i) experts, institutions or consultancy companies or firms from ACP States with the required competence;

ii) offers submitted by ACP firms, either individually or in a consortium with European partners; and

iii) offers presented by European tenderers with ACP sub-contractors or experts;

d) where subcontracting is envisaged, preference shall be given by the successful tenderer to natural persons, companies and firms of ACP States capable of performing the contract required on similar terms; and

e) the ACP State may, in the invitation to tender, propose to the prospective tenderers the assistance of other ACP States' companies or firms or national experts or consultants selected by mutual agreement. This cooperation may take the form either of a joint venture, or of a subcontract or of on the job training of trainees.

2. Where two tenders are acknowledged to be equivalent on the basis of the criteria stated above, preference shall be given:

a) to the tenderer of an ACP State; or

b) if no such tender is forthcoming, to the tenderer who:

i) allows for the best possible use of the physical and human resources of the ACP States;

ii) offers the greatest subcontracting possibilities for ACP companies, firms or natural persons; or

iii) is a consortium of natural persons, companies and firms from ACP States and the Community.

ARTICLE 27

Award of contracts

[Deleted]

ARTICLE 28

General regulations for contracts

[Deleted]

ARTICLE 29

General conditions for contracts

[Deleted]

ARTICLE 30

Settlement of disputes

Any dispute arising between the authorities of an ACP State **or the relevant organisation or body at regional or intra-ACP level** and a contractor, supplier or provider of services during the performance of a contract financed by the **multi-annual financial framework of cooperation under this Agreement** shall:

a) in the case of a national contract, be settled in accordance with the national legislation of the ACP State concerned; and

b) in the case of a transnational contract be settled either :

i) if the Parties to the contract so agree, in accordance with the national legislation of the ACP State concerned or its established international practices; or

ii) by arbitration in accordance with the procedural rules which will be adopted by decision of the Council of Ministers at the first meeting following the signing of this Agreement, upon the recommendation of the ACP-EC Development Finance Cooperation Committee.

ARTICLE 31

Tax and customs arrangements

1. The ACP States shall apply to contracts financed by the Community tax and customs arrangements no less favourable than those applied by them to the most favoured States or international development organisations with which they have relations. For the purpose of determining the most-favoured-nation (MFN) treatment, account shall not be taken of arrangements applied by the ACP State concerned to other ACP States, or to other developing countries.

2. Subject to the above provisions the following shall apply to contracts financed by the Community:

a) the contract shall not be subject in the beneficiary ACP State to stamp or registration duties or to fiscal charges having equivalent effect, whether such charges already exist or are to be instituted in the future; however, such contracts shall be registered in accordance with the laws in force in the ACP State and a fee corresponding to the service rendered may be charged for it;

b) profits and/or income arising from the performance of contracts shall be taxable according to the internal fiscal arrangements of the ACP State concerned, provided that the natural or legal persons who realise such profit and/or income have a permanent place of business in that State, or that the performance of the contract takes longer than six months;

c) enterprises which must import professional equipment in order to carry out works contracts shall, if they so request, benefit from the system of temporary admission as laid down by the national legislation of the beneficiary ACP State in respect of the said equipment;

d) professional equipment necessary for carrying out tasks defined in a service contract shall be temporarily admitted into the beneficiary ACP State or States in accordance with its national legislation free of fiscal, import and customs duties and of other charges having equivalent effect where these duties and charges do not constitute remuneration for services rendered;

e) imports under supply contracts shall be admitted into the beneficiary ACP State without customs duties, import duties, taxes or fiscal charges having equivalent effect. The contract for supplies originating in the ACP State concerned shall be concluded on the basis of the ex-works price of the supplies to which may be added such internal fiscal charges as may be applicable to those supplies in the ACP State;

f) fuels, lubricants and hydrocarbon binders and, in general, all materials used in the performance of works contracts shall be deemed to have been purchased on the local market and shall be subject to fiscal rules applicable under the national legislation in force in the beneficiary ACP State; and

g) personal and household effects imported for use by natural persons, other than those recruited locally, engaged in carrying out tasks defined in a service contract and members of their families, shall be exempt from customs or import duties, taxes and other fiscal charges having equivalent effect, within the limit of the national legislation in force in the beneficiary ACP State.

3. Any matter not covered by the above provisions on tax and customs arrangements shall remain subject to the national legislation of the ACP State concerned.

CHAPTER 5 MONITORING AND EVALUATION

ARTICLE 32 Objectives

The objective of monitoring and evaluation shall consist in the regular assessment of development operations (preparation, implementation and subsequent operation) with a view to improving the development effectiveness of on-going and future operations.

ARTICLE 33 Modalities

1. Without prejudice to evaluations carried out by the ACP State **or the relevant organisation or body at regional or intra-ACP level** or the Commission, this work will be done jointly by the ACP State(s) **or the relevant organisation or body at regional or intra-ACP level** and the Community. The ACP EC Development Finance Cooperation Committee shall ensure the joint character of the joint monitoring and evaluation operations. In order to assist the ACPEC Development Finance Cooperation Committee, the Commission and the ACP General Secretariat shall prepare and implement the joint monitoring and evaluations and report to the Committee. The Committee shall, at its first meeting after the signature of the Agreement, fix the operational modalities aimed at ensuring the joint character of the operations and shall, on a yearly basis, approve the work programme.

2. Monitoring and evaluation activities shall notably:

a) provide regular and independent assessments of the Fund's operations and activities **funded from the multi-annual financial framework of cooperation under this agreement** by comparing results with objectives; and thereby

b) enable the ACP States **or the relevant organisation or body at regional or intra-ACP level** and the Commission and the joint institutions, to feed the lessons of experience back into the design and execution of future policies and operations.

CHAPTER 6 FUND-RESOURCE MANAGEMENT AND EXECUTING AGENTS

ARTICLE 34 The Commission

1. The Commission shall undertake the financial execution of operations carried out with **resources from the multi-annual financial framework of cooperation under this Agreement**, with the exception of the Investment Facility and interest-rate subsidies, using the following main methods of management:

a) centralised management;

b) decentralised management.

2. As a general rule, the financial execution of the Fund resources **from the multi-annual financial framework of cooperation under this Agreement** by the Commission shall be decentralised.

In this instance, the execution duties shall be carried out by the ACP States in accordance with Article 35.

3. In order to carry out the financial execution of the resources **from the multi-annual financial framework of cooperation under this Agreement**, the Commission shall delegate its executive powers within its own departments. The Commission shall inform the ACP States and the ACP-EC Development Finance Cooperation Committee of this delegation of tasks.

ARTICLE 35 National Authorising Officer

1. The Government of each ACP State shall appoint a National Authorising Officer to represent it in all operations financed from the resources **from the multi-annual financial framework of cooperation under this Agreement** managed by the Commission and the Bank. The National Authorising Officer shall appoint one or more deputy National Authorising Officers to replace him when he is unable to carry out his duties and shall inform the Commission of this appointment. Wherever the conditions regarding institutional

capacity and sound financial management are met, the National Authorising Officer may delegate his functions for implementation of the programmes and projects concerned to the body responsible within the national administration. The National Authorising Officer shall inform the Commission of any such delegation.

In the case of regional programmes and projects, the relevant organisation or body shall designate a Regional Authorising Officer whose duties correspond, mutatis mutandis, to those of the National Authorising Officer.

In the case of Intra-ACP programmes and projects, the ACP Committee of Ambassadors shall designate an Intra-ACP Authorising Officer, whose duties correspond, mutatis mutandis, to those of the National Authorising Officer. In the event that the ACP Secretariat is not the Authorising Officer, the Committee of Ambassadors shall be informed in conformity with the financing agreement of the implementation of programmes and projects.

When the Commission becomes aware of problems in carrying out procedures relating to management of resources **from the multi-annual financial framework of cooperation under this Agreement**, it shall, in conjunction with the relevant Authorising Officer, make all contacts necessary to remedy the situation and take any appropriate steps.

The **relevant** Authorising Officer shall assume financial responsibility only for the executive tasks entrusted to him.

Where Fund resources **from the multi-annual financial framework of cooperation under this Agreement**, are managed in a decentralised way and subject to any additional powers that might be granted by the Commission, the **relevant** Authorising Officer shall:

- a) be responsible for the coordination, programming, regular monitoring and annual, mid-term and end-of-term reviews of implementation of cooperation, and for coordination with donors;
- b) in close cooperation with the Commission, be responsible for the preparation, submission and appraisal of programmes and projects;
- c) prepare tender dossiers and, where appropriate, the documents for calls for proposals;
- d) submit tender dossiers and, where appropriate, documents for calls for proposals, to the Commission for approval before launching invitations to tender and, where appropriate, calls for proposals;
- e) in close cooperation with the Commission, launch invitations to tender and, where appropriate, calls for proposals;
- f) receive tenders and, if applicable, proposals, and transmit copies of tenders to the Commission; preside over the opening of tenders and decide on the results of their examination within the period of validity of the tenders, taking account of the time required for approval of contracts;

g) invite the Commission to the opening of tenders and, if applicable, proposals and notify the Commission of the results of the examination of tenders and proposals for approval of the proposals for the award of contracts and grants;

h) submit contracts and programme estimates and any addenda thereto to the Commission for approval;

i) sign the contracts and addenda thereto approved by the Commission;

j) clear and authorise expenditure within the limits of the funds assigned to him; and

k) during the execution operations, make any adaptation arrangements necessary to ensure the proper execution of approved programmes or projects from the economic and technical viewpoint.

2. The **relevant** Authorising Officer shall, during the execution of operations and subject to the requirement to inform the Commission, decide on:

a) technical adjustments and alterations to programmes and projects in matters of detail so long as they do not affect the technical solution adopted and remain within the limits of the reserve for adjustments provided for in the financing agreement;

b) changes of site for multiple-unit programmes or projects where justified on technical, economic or social grounds;

c) imposition or remission of penalties for delay;

d) acts discharging guarantors;

e) purchase of goods, irrespective of their origin, on the local market;

f) use of construction equipment and machinery not originating in the Member States or ACP States provided there is no production of comparable equipment and machinery in the Member States or ACP States;

g) subcontracting;

h) final acceptance, provided that the Commission is present at provisional acceptance, endorses the corresponding minutes and, where appropriate, is present at the final acceptance, in particular where the extent of the reservations recorded at the provisional acceptance necessitates major additional work; and

i) hiring of consultants and other technical assistance experts.

ARTICLE 36 Head of delegation

1. The Commission shall be represented in each ACP State or in each regional grouping which expressly so requests, by a delegation under the authority of a Head of Delegation, with the

approval of the ACP State or States concerned. Appropriate measures shall be taken in any case in which a Head of Delegation is appointed to a group of ACP States. The Head of Delegation shall represent the Commission in all spheres of its competence and in all its activities.

2. The Head of Delegation shall be the main contact for ACP States and bodies or organisations eligible for financial support under the Agreement. He shall cooperate and work in close cooperation with the National Authorising Officer.

3. The Head of Delegation shall have the necessary instructions and delegated powers to facilitate and expedite all operations under the Agreement.

4. On a regular basis, the Head of Delegation shall inform the national authorities of Community activities which may directly concern cooperation between the Community and the ACP States.

ARTICLE 37

Payments

1. For the purpose of effecting payments in the national currencies of the ACP States, accounts denominated in the currencies of the Member States or in euro may be opened in the ACP States by and in the name of the Commission with a national public or semi-public financial institution chosen by agreement between the ACP State and the Commission. This institution shall exercise the functions of National Paying Agent.

2. The National Paying Agent shall receive no remuneration for its services and no interest shall be payable by it on deposited funds. The local accounts shall be replenished by the Commission in the currency of one of the Member States or in euro, based on estimates of future cash requirements, which shall be made sufficiently in advance to avoid the need for pre-financing by ACP States **or the relevant organisation or body at regional or intra-ACP level** and to prevent delayed disbursements.

3. [deleted]

4. Payments shall be made by the Commission in accordance with the rules laid down by the Community and the Commission, where appropriate after the expenditure has been cleared and authorised by the **relevant** Authorising Officer.

5. [deleted]

6. The procedures for clearance, authorisation and payment of expenditure must be completed within a period of 90 days from the date on which the payment becomes due. The **relevant** Authorising Officer shall process and deliver the payment authorisation to the Head of Delegation not later than 45 days before the due date.

7. Claims for delayed payments shall be borne by the ACP State **concerned or the relevant organisation or body at regional or intra-ACP level** and by the Commission from its own

resources, for that part of the delay for which each Party is responsible in accordance with the above procedures.

8. [deleted]

ANNEX V
TRADE REGIME APPLICABLE DURING THE
PREPARATORY PERIOD REFERRED TO IN ARTICLE 37(1)

[Deleted]

ANNEX VI

LIST OF THE LEAST DEVELOPED LANDLOCKED AND ISLAND ACP STATES (LDLICS)

The following lists comprise ACP least-developed, landlocked and Island States

LEAST-DEVELOPED ACP STATES

ARTICLE 1

Under this Agreement, the following countries shall be considered least-developed ACP States:

Angola

Benin

Burkina Faso

Burundi

Republic of Cape Verde

Central African Republic

Chad

Comoro Islands

Democratic Republic of Congo

Djibouti

Ethiopia

Eritrea

Gambia

Guinea

Guinea (Bissau)

Guinea (Equatorial)

Haïti

Kiribati

Lesotho
Liberia
Malawi
Mali
Mauritania
Madagascar
Mozambique
Niger
Rwanda
Samoa
SãoTome and Principe
Sierra Leone
Solomon Islands
Somalia
Sudan
Tanzania
Tuvalu
Togo
Uganda
Vanuatu
Zambia

LANDLOCKED ACP STATES

ARTICLE 2

Specific measures and provisions have been made to support landlocked ACP States in their efforts to overcome the geographical difficulties and the other obstacles hampering their development so as to enable them to speed up their respective rates of growth.

ARTICLE 3

The landlocked ACP States are:

Botswana

Burkina Faso

Burundi

Central African Republic

Chad

Ethiopia

Lesotho

Malawi

Mali

Niger

Rwanda

Swaziland

Uganda

Zambia

Zimbabwe

ISLAND ACP STATES

ARTICLE 4

Specific measures and provisions have been made to support island ACP States in their efforts to overcome the natural and geographical difficulties and the other obstacles hampering their development so as to enable them to speed up their respective rates of growth.

ARTICLE 5

List of island ACP States:

Antigua and Barbuda

Bahamas

Barbados
Cape Verde
Comoros
Dominica
Dominican Republic
Fiji
Grenada
Haiti
Jamaica
Kiribati
Madagascar
Mauritius
Papua New Guinea
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Samoa
São Tomé and Príncipe
Seychelles
Solomon Islands
Tonga
Trinidad and Tobago
Tuvalu
Vanuatu

ANNEXE VII

POLITICAL DIALOGUE AS REGARDS HUMAN RIGHTS, DEMOCRATIC PRINCIPLES AND THE RULE OF LAW

ARTICLE 1 **Objectives**

1. The consultations envisaged in Article 96(2)(a) will take place, except in cases of special urgency, after exhaustive political dialogue as envisaged in Article 8 and Article 9(4) of the Agreement.
2. Both Parties should conduct such political dialogue in the spirit of the Agreement and bearing in mind the Guidelines for ACP-EC Political Dialogue established by the Council of Ministers.
3. Political Dialogue is a process which should foster the strengthening of ACP-EC relations and contribute towards achieving the objectives of the Partnership.

ARTICLE 2 **Intensified Political Dialogue preceding consultations under Article 96 of the Agreement**

1. Political dialogue concerning respect for human rights, democratic principles and the rule of law shall be conducted pursuant to Article 8 and Article 9(4) of the Agreement and within the parameters of internationally recognised standards and norms. In the framework of this dialogue the Parties may agree on joint agendas and priorities.
2. The Parties may jointly develop and agree specific benchmarks or targets with regard to human rights, democratic principles and the rule of law within the parameters of internationally agreed standards and norms, taking into account special circumstances of the ACP State concerned. Benchmarks are mechanisms for reaching targets through the setting of intermediate objectives and timeframes for compliance.
3. The political dialogue set out in paragraphs 1 and 2 shall be systematic and formal and shall exhaust all possible options prior to consultations under Article 96 of the Agreement.
4. Except for cases of special urgency as defined in Article 96(2)(b) of the Agreement, consultations under Article 96 may also go ahead without preceding intensified political dialogue, when there is persistent lack of compliance with commitments taken by one of the Parties during an earlier dialogue, or by a failure to engage in dialogue in good faith.
5. Political dialogue under Article 8 of the Agreement shall also be utilised between the Parties to assist countries subject to appropriate measures under Article 96 of the Agreement, to normalise the relationship.

ARTICLE 3

Additional rules on consultation under Article 96 of the Agreement

1. The Parties shall strive to promote equality in the level of representation during consultations under Article 96 of the Agreement.
2. The Parties are committed to transparent interaction before, during and after the formal consultations, bearing in mind the specific benchmarks and targets referred to in Article 2(2) of this Annex.
3. The Parties shall use the 30-day notification period as provided for in Article 96(2) of the Agreement for effective preparation by the Parties, as well as for deeper consultations within the ACP Group and among the Community and its Member States. During the consultation process, the Parties should agree flexible timeframes, whilst acknowledging that cases of special urgency, as defined in Article 96(2)(b) of the Agreement and Article 2(4) of this Annex, may require an immediate reaction.
4. The Parties acknowledge the role of the ACP Group in political dialogue based on modalities to be determined by the ACP Group and communicated to the European Community and its Member States. **The ACP Secretariat and the European Commission shall exchange all required information on the process of political dialogue carried out before, during and after consultations undertaken under Articles 96 and 97 of this Agreement.**
5. The Parties acknowledge the need for structured and continuous consultations under Article 96 of the Agreement. The Council of Ministers may develop further modalities to this end

PROTOCOLS

PROTOCOL 1

On the operating expenditure of the joint institutions

1. The Member States and the Community, on the one hand, and the ACP States, on the other, shall be responsible for such expenditure as they shall incur by reason of their participation in the meetings of the Council of Ministers and its dependent bodies, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenses.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents, and the practical arrangements for meetings (such as premises, equipment and messengers) of the joint institutions of the present Agreement shall be borne by the Community or by one of the ACP States, according to whether the meetings take place in the territory of a Member State or in that of an ACP State.

2. The arbitrators appointed in accordance with Article 98 of the Agreement shall be entitled to a refund of their travel and subsistence expenditure. The latter shall be determined by the Council of Ministers.

One half of travel and subsistence expenditure incurred by the arbitrators shall be borne by the Community and the other half by the ACP States. Expenditure relating to any registry set up by the arbitrators, to preparatory inquiries into disputes, and to the organisation of hearings (such as premises, personnel and interpreting) shall be borne by the Community. Expenditure relating to special inquiries shall be settled together with the other costs and the Parties shall deposit advances as determined by an order of the arbitrators.

3. The ACP States shall set up a Fund, which will be managed by their General Secretariat, for the purpose of contributing to the financing of the expenses incurred by ACP participants at meetings of the Joint Parliamentary Assembly and the Council of Ministers.

The ACP States shall contribute to this Fund. With the aim of encouraging the active participation of all ACP States in the dialogue conducted within the ACPEC institutions, the Community shall make a contribution to this Fund as provided for in the Financial Protocol (EUR 4 million according to the First Financial Protocol).

To be eligible for the Fund expenses must comply with the following conditions as well as those laid down in paragraph 1:

-They must be incurred by parliamentarians or, in their absence, other such ACP representatives travelling from the country they represent in order to take part in sessions of the Joint Parliamentary Assembly, meetings of working parties or missions under their aegis, or as a result of the participation of these same representatives and representatives of ACP civil society and economic and social operators in consultation meetings held under Articles 15 and 17 of the Agreement.

-Decisions on the nature, organisation, frequency and location of meetings, missions and working groups must be taken in accordance with the rules of procedure of the Council of Ministers and the Joint Parliamentary Assembly.

4. Consultation meetings and meetings of ACP-EC economic and social operators shall be organised by the Economic and Social Committee of the European Union. In this specific instance, the Community's contribution to cover the participation of ACP economic and social operators shall be paid directly to the Economic and Social Committee.

The ACP Secretariat, the Council of Ministers and the Joint Parliamentary Assembly may, in agreement with the Commission, delegate the organisation of consultation meetings of ACP civil society to representative organisations approved by the Parties.

PROTOCOL 2

On privileges and immunities

THE PARTIES ,

DESIRING, by the conclusion of a Protocol on privileges and immunities, to facilitate the smooth functioning of the Agreement, the preparation of its work and implementation of the measures adopted for its application;

WHEREAS it is therefore necessary to specify the privileges and immunities which may be claimed by persons participating in work relating to the application of the Agreement and to the arrangements applicable to official communications connected with such work, without prejudice to the provisions of the Protocol on the privileges and immunities of the European Communities, signed in Brussels on 8 April 1965;

WHEREAS it is also necessary to lay down the treatment to be accorded to the property, funds and assets of the Council of ACP Ministers, and its staff;

WHEREAS the Georgetown Agreement of 6 June 1975 constituted the ACP Group of States and instituted a Council of ACP Ministers, and a Committee of Ambassadors; whereas the organs of the ACP Group of States are to be serviced by the Secretariat of the ACP States;

HAVE AGREED upon the following provisions, which shall be annexed to the Agreement

CHAPTER 1

PERSONS TAKING PART IN THE WORK OF THE AGREEMENT

ARTICLE 1

The representatives of the Governments of the Member States and of the ACP States and the Representatives of the Institutions of the European Communities, and also their advisers and experts and the members of the staff of the Secretariat of the ACP States taking part, in the territory of the Member States or of the ACP States, in the work either of the institutions

of the Agreement or of the coordinating bodies, or in work connected with the application of the Agreement, shall enjoy the customary privileges, immunities and facilities while carrying out their duties and while travelling to or from the place at which they are required to carry out such duties.

The preceding paragraph shall also apply to members of the Joint Parliamentary Assembly of the Agreement, to the arbitrators who may be appointed under the Agreement, to members of the consultative bodies of the economic and social sectors which may be set up, to the officials and employees of these institutions, and also to the members of the agencies of the European Investment Bank and its staff, and to the staff of the Centre for the Development of Enterprise and the Centre for the Development of Agriculture.

CHAPTER 2 PROPERTY, FUNDS AND ASSETS OF THE COUNCIL OF ACP MINISTERS

ARTICLE 2

The premises and buildings occupied by the Council of ACP Ministers for official purposes shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation.

Except when required for the purposes of investigating an accident caused by a motor vehicle belonging to the said Council or being used on its account, or in the event of an infringement of road traffic regulations or of an accident caused by such a vehicle, the property and assets of the Council of ACP Ministers shall not be the subject of any administrative or legal measures of constraints without the authorisation of the Council of Ministers set up under the Agreement.

ARTICLE 3

The archives of the Council of ACP Ministers shall be inviolable.

ARTICLE 4

The Council of ACP Ministers, its assets, income and other property shall be exempt from all direct taxes.

The host State shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Council of ACP Ministers makes, strictly for its official use, substantial purchases, the price of which includes taxes of this kind.

No exemption shall be granted in respect of taxes, charges, duties or fees which represent charges for services rendered.

ARTICLE 5

The Council of ACP Ministers shall be exempt from all customs duties, prohibitions and restrictions on imports in respect of articles intended for its official use; articles so imported

may not be sold or otherwise disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the Government or that country.

CHAPTER 3 OFFICIAL COMMUNICATIONS

ARTICLE 6

For their official communications and the transmission of all their documents, the European Community, the institutions of the Agreement and the coordinating bodies shall enjoy in the territory of the States party to the Agreement the treatment accorded to international organisations.

Official correspondence and other official communications of the European Community, the joint institutions of the Agreement and the coordinating bodies shall not be subject to censorship.

CHAPTER 4 STAFF OF THE SECRETARIAT OF THE ACP STATES

ARTICLE 7

1. The Secretary or Secretaries and Deputy Secretary or Deputy Secretaries of the Council of ACP Ministers and the other permanent members of the staff of senior rank as designated by the ACP States, of the Council of ACP Ministers shall enjoy, in the State in which the Council of ACP Ministers is established, under the responsibility of the Chairman-in-Office of the Committee of ACP Ambassadors, the advantages accorded to the diplomatic staff of diplomatic missions. Their spouses and their children under age living in their household shall be entitled, under the same conditions, to the advantages accorded to the spouses and children under age of such diplomatic staff.

2. Permanent ACP staff members not referred to in paragraph 1 shall be exempted by their host country from any taxes on salaries, emoluments or allowances paid to them by the ACP States from the day on which such income becomes subject to tax levied for the benefit of the ACP States.

The above provision shall not apply either to pensions paid the ACP Secretariat to its former staff members or their dependants, or to salaries, emoluments or allowances paid to its local staff.

The State in which the Council of ACP Ministers is established shall grant immunity from legal proceedings to permanent members of the staff of the Secretariat of the ACP States, apart from those referred to in paragraph 1 of Article 7, only in respect of acts done by them in the performance of their official duties. Such immunity shall not, however, apply to infringements of road traffic regulations by a permanent member of the staff of the Secretariat of the ACP States or to damage caused by a motor vehicle belonging to, or driven by, him or her.

ARTICLE 8

The State in which the Council of ACP Ministers is established shall grant immunity from legal proceedings to permanent members of the staff of the Secretariat of the ACP States, apart from those referred to in paragraph 1 of Article 7, only in respect of acts done by them in the performance of their official duties.

Such immunity shall not, however, apply to infringements of road traffic regulations by a permanent member of the staff of the Secretariat of the ACP States or to damage caused by a motor vehicle belonging to, or driven by, him or her.

ARTICLE 9

The names, positions and addresses of the Chairman-in-Office of the Committee of ACP Ambassadors, the Secretary or Secretaries and Deputy Secretary or Deputy Secretaries of the Council of ACP Ministers and of the permanent members of the staff of the Secretariat of the ACP States shall be communicated periodically by the President of the Council of ACP Ministers to the Government of the State in whose territory the Council of ACP Ministers is established.

CHAPTER 5 COMMISSION DELEGATIONS IN THE ACP STATES

ARTICLE 10

1. The Commission Head of Delegation and staff appointed to the Delegation, the Delegations, to the exception of locally recruited staff, shall be exempted from any direct taxes in the ACP State where they are in post.

2. Article 31(2)(g) of Annexe IV, chapter 4 shall also apply to the staff referred to in paragraph 1.

CHAPTER 6 GENERAL PROVISIONS

ARTICLE 11

The privileges, immunities and facilities provided for in this Protocol shall be accorded to those concerned solely in the interests of the proper execution of their official duties.

Each institution or body referred to in this Protocol shall be required to waive immunity wherever it considers that the waiver of such immunity is not contrary to its own interests.

ARTICLE 12

Article 98 of the Agreement shall apply to disputes relating to this Protocol.

The Council of ACP Ministers and the European Investment Bank may be party to proceedings during an arbitration procedure.

PROTOCOL 3

On South Africa

ARTICLE 1 **Qualified Status**

1. The participation of South Africa in this Agreement is subject to the qualifications set out in this Protocol.
2. The provisions of the bilateral Agreement on Trade, Development and Cooperation between the European Community, its Member States and South Africa **as amended by the Agreement signed on 11 September 2009**, hereinafter referred as the "TDCA", shall take precedence over the provisions of this Agreement.

ARTICLE 2 **General Provisions, Political Dialogue and Joint Institutions**

1. The general, institutional and final provisions of this Agreement shall apply to South Africa.
2. South Africa shall be fully associated in the overall political dialogue and participate in the joint institutions and bodies set out under this Agreement. However, in respect of decisions to be taken in relation to provisions that do not apply to South Africa under this Protocol, South Africa shall not take part in the decision-making process.

ARTICLE 3 **Cooperation Strategies**

The provisions on cooperation strategies of this Agreement shall apply to cooperation between the Community and South Africa.

ARTICLE 4 **Financial Resources**

1. The provisions of this Agreement on development finance cooperation shall not apply to South Africa.
2. However, in derogation from this principle, South Africa shall have the right to participate in ACP-EC development finance cooperation listed in Article 8 **of this Protocol, on the basis of the principles of reciprocity and proportionality**, understanding that South Africa's

participation will be financed from the resources provided for under Title VII of the TDCA. Where resources from the TDCA are deployed for participation in operations in the framework of ACP- EC financial cooperation, South Africa will enjoy the right to participate fully in the decision-making procedures governing implementation of such aid.

3. South African natural or legal persons shall be eligible for award of contracts financed from the financial resources provided for under this Agreement. In this respect, South African natural or legal persons shall, however, not enjoy the preferences accorded to natural and legal persons from ACP States.

4. For the purpose of the investment financing provided for in Annex II, Chapter 1, to this Agreement, investment funds and financial and non-financial intermediaries established in South Africa can be eligible.

ARTICLE 5 Trade Cooperation

1. The provisions of this Agreement on economic and trade cooperation shall not apply to South Africa.

2. Nonetheless, South Africa shall be associated as an observer in the dialogue between the Parties pursuant to Articles 34 to 40 of this Agreement.

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 6 Applicability of Protocols and Declarations

The protocols and declarations annexed to this Agreement that relate to parts of the Agreement that are not applicable to South Africa, shall not apply to South Africa. All other declarations and proto-cols shall apply.

ARTICLE 7 Revision Clause

This Protocol may be revised by decision of the Council of Ministers.

ARTICLE 8 Applicability

Without prejudice to the previous Articles, the table hereunder sets out those Articles of the Agreement and its Annexes which shall apply to South Africa and those which shall not apply.

<i>Applicable</i>	<i>Remarks</i>	<i>Not applicable</i>
Preamble		
Part I, Title I, Chapter 1: "Objectives, principles and actors" (Articles 1 to 7)		
Part I, Title II, "The political dimension"; Articles 8 to 13		
Part 2, "Institutional provisions"; Articles 14 to 17	In accordance with Article 1 of this protocol, South Africa shall not have voting rights in any of the joint institutions or bodies in areas of the Agreement which are not applicable to South Africa.	
Part 3, Title I, "Development strategies".		
	In accordance with Article 5 above, South Africa shall be associated as an observer in the dialogue between the Parties pursuant to Articles 34 to 40.	Part 3, Title II, Economic and Trade Cooperation.
Article 75(i) (Investment promotion, support for the ACP-EU private sector dialogue on regional level), Article 78 (Investment protection)	In accordance with Article 4 above, South Africa shall have the right to participate in certain areas of development finance cooperation on the understanding that such participation will be fully financed from the resources provided for under Title VII of the TDCA. In accordance with Article 2 above, South Africa may participate in the ACP-EC Development Finance Cooperation Committee provided for in Article 83, without enjoying voting rights in relation to provisions that do not apply to South Africa.	Part 4, Development Finance Cooperation
Part 5, General Provisions for the Least Developed, Landlocked and Island ACP States, Articles 84 to 90		
Part 6, Final Provisions, Articles 91 to 100		
		Annex I (Financial Protocol)
Annex II, Terms and conditions of Financing, Chapter 5 (link to Article 78 / investment protection)	In accordance with Article 4 above, South Africa shall have the right to participate in certain areas of	Annex II, Terms and conditions of Financing, Chapters 1, 2, 3 and 4

	development finance cooperation on the understanding that South Africa's participation will be fully financed from the resources provided for under Title VII of the TDCA.	
Annex III, Institutional Support (CDE and CTA)	In accordance with Article 4 above, South Africa shall have the right to participate in certain areas of development finance cooperation on the understanding that South Africa's participation will be fully financed from the resources provided for under Title VII of the TDCA.	
Annex IV, Implementation and Management Procedures: Articles 6 to 14 (Regional cooperation) Articles 20 to 32 (Competition and preference)	In accordance with Article 4 above, where resources from the TDCA are deployed for participation activities in the framework of ACP-EC financial cooperation, South Africa will enjoy the right to fully participate in the decision-making procedures governing implementation of such aid. South African natural and legal persons will moreover be eligible for participation in tenders for contracts financed from the financial resources of the Agreement. In this context, South African tenderers will not enjoy the preferences provided for tenderers from the ACP States.	Annex IV, Articles 1 to 5 (national programming); 15 to 19 (provisions relating to the project cycle), 27 (preference to ACP contractors) and 34 to 38 (Executing agents)
		Annex V / trade regime during the preparatory period.
Annex VI; List of Least Developed, island and landlocked ACP States.		

FINAL ACT

FINAL ACT

The Plenipotentiaries of:

HIS MAJESTY THE KING OF THE BELGIANS,

THE PRESIDENT OF THE REPUBLIC OF BULGARIA,

THE PRESIDENT OF THE CZECH REPUBLIC,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE REPUBLIC OF ESTONIA,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF CYPRUS,

THE PRESIDENT OF THE REPUBLIC OF LATVIA,

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

THE PRESIDENT OF THE REPUBLIC OF HUNGARY,

THE PRESIDENT OF MALTA,

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

THE PRESIDENT OF THE REPUBLIC OF POLAND,

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

THE PRESIDENT OF ROMANIA,

THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,

THE PRESIDENT OF THE SLOVAK REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF FINLAND,

THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as "the Member States",

and of THE EUROPEAN UNION, hereinafter referred to as "the Union" or "the EU",

of the one part, and

the Plenipotentiaries of:

THE PRESIDENT OF THE REPUBLIC OF ANGOLA,

HER MAJESTY THE QUEEN OF ANTIGUA AND BARBUDA,

THE HEAD OF STATE OF THE COMMONWEALTH OF THE BAHAMAS,

THE HEAD OF STATE OF BARBADOS,

HER MAJESTY THE QUEEN OF BELIZE,

THE PRESIDENT OF THE REPUBLIC OF BENIN,

THE PRESIDENT OF THE REPUBLIC OF BOTSWANA,

THE PRESIDENT OF BURKINA FASO,

THE PRESIDENT OF THE REPUBLIC OF BURUNDI,

THE PRESIDENT OF THE REPUBLIC OF CAMEROON,

THE PRESIDENT OF THE REPUBLIC OF CAPE VERDE,

THE PRESIDENT OF THE CENTRAL AFRICAN REPUBLIC,

THE PRESIDENT OF THE UNION OF THE COMOROS,

THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF CONGO,

THE PRESIDENT OF THE REPUBLIC OF CONGO,

THE GOVERNMENT OF THE COOK ISLANDS,

THE PRESIDENT OF THE REPUBLIC OF CÔTE D'IVOIRE,

THE PRESIDENT OF THE REPUBLIC OF DJIBOUTI,

THE GOVERNMENT OF THE COMMONWEALTH OF DOMINICA,
THE PRESIDENT OF THE DOMINICAN REPUBLIC,
THE PRESIDENT OF THE STATE OF ERITREA,
THE PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA,
THE PRESIDENT OF THE REPUBLIC OF THE FIJI ISLANDS,
THE PRESIDENT OF THE GABONESE REPUBLIC,
THE PRESIDENT AND HEAD OF STATE OF THE REPUBLIC OF THE GAMBIA,
THE PRESIDENT OF THE REPUBLIC OF GHANA,
HER MAJESTY THE QUEEN OF GRENADA,
THE PRESIDENT OF THE REPUBLIC OF GUINEA,
THE PRESIDENT OF THE REPUBLIC OF GUINEA-BISSAU,
THE PRESIDENT OF THE CO-OPERATIVE REPUBLIC OF GUYANA,
THE PRESIDENT OF THE REPUBLIC OF HAITI,
THE HEAD OF STATE OF JAMAICA,
THE PRESIDENT OF THE REPUBLIC OF KENYA,
THE PRESIDENT OF THE REPUBLIC OF KIRIBATI,
HIS MAJESTY THE KING OF THE KINGDOM OF LESOTHO,
THE PRESIDENT OF THE REPUBLIC OF LIBERIA,
THE PRESIDENT OF THE REPUBLIC OF MADAGASCAR,
THE PRESIDENT OF THE REPUBLIC OF MALAWI,
THE PRESIDENT OF THE REPUBLIC OF MALI,
THE GOVERNMENT OF THE REPUBLIC OF THE MARSHALL ISLANDS,
THE PRESIDENT OF THE ISLAMIC REPUBLIC OF MAURITANIA,
THE PRESIDENT OF THE REPUBLIC OF MAURITIUS,
THE GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA,
THE PRESIDENT OF THE REPUBLIC OF MOZAMBIQUE,

THE PRESIDENT OF THE REPUBLIC OF NAMIBIA,
THE GOVERNMENT OF THE REPUBLIC OF NAURU,
THE PRESIDENT OF THE REPUBLIC OF NIGER,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA,
THE GOVERNMENT OF NIUE,
THE GOVERNMENT OF THE REPUBLIC OF PALAU,
HER MAJESTY THE QUEEN OF THE INDEPENDENT STATE OF PAPUA NEW GUINEA,
THE PRESIDENT OF THE REPUBLIC OF RWANDA,
HER MAJESTY THE QUEEN OF SAINT KITTS AND NEVIS,
HER MAJESTY THE QUEEN OF SAINT LUCIA,
HER MAJESTY THE QUEEN OF SAINT VINCENT AND THE GRENADINES,
THE HEAD OF STATE OF THE INDEPENDENT STATE OF SAMOA,
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE,
THE PRESIDENT OF THE REPUBLIC OF SENEGAL,
THE PRESIDENT OF THE REPUBLIC OF SEYCHELLES,
THE PRESIDENT OF THE REPUBLIC OF SIERRA LEONE,
HER MAJESTY THE QUEEN OF SOLOMON ISLANDS,
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA,
THE PRESIDENT OF THE REPUBLIC OF SURINAME,
HIS MAJESTY THE KING OF THE KINGDOM OF SWAZILAND,
THE PRESIDENT OF THE UNITED REPUBLIC OF TANZANIA,
THE PRESIDENT OF THE REPUBLIC OF CHAD,
THE PRESIDENT OF THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE,
THE PRESIDENT OF THE TOGOLESE REPUBLIC,
HIS MAJESTY THE KING OF TONGA,
THE PRESIDENT OF THE REPUBLIC OF TRINIDAD AND TOBAGO,

HER MAJESTY THE QUEEN OF TUVALU,
THE PRESIDENT OF THE REPUBLIC OF UGANDA,
THE GOVERNMENT OF THE REPUBLIC OF VANUATU,
THE PRESIDENT OF THE REPUBLIC OF ZAMBIA,
THE GOVERNMENT OF THE REPUBLIC OF ZIMBABWE,
which States are hereinafter referred to as "ACP States",
of the other part,

meeting in Benin on the twenty-third day of June in the year two thousand for the signature of the ACP-EC Partnership Agreement, in Luxembourg on the twenty-fifth day of June in the year two thousand and five for the signature of the Agreement amending the ACP-EC Partnership Agreement and in Ouagadougou on the twenty-second day of June in the year two thousand and ten for the signature of the Agreement amending for the second time the ACP-EC Partnership Agreement, have adopted the following texts:

The Agreement amending for the second time the ACP EC Partnership Agreement, and the following Annexes and Protocols:

Annex I

Financial Protocol

Annex Ia

Multi-annual financial framework of cooperation under this Agreement

Annex Ib

Multi-annual financial framework of the period 2008 to 2013

Annex II

Terms and Conditions of Financing

Annex III

Institutional Support – CDE and CTA

Annex IV

Implementation and management procedures

Annex V

[Deleted]

Annex VI

List of the least developed, landlocked and island ACP States

Annex VII

Political dialogue as regards human rights, democratic principles and the rule of law

Protocol 1

on operating expenditure of the joint institutions

Protocol 2

on privileges and immunities

Protocol 3

on South Africa

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

Cotonou, 23 June 2000 O.J. L 317, 15 December 2000

Declaration I

Joint Declaration on the actors of the Partnership (Article 6)

Declaration II

Declaration of the Commission and the Council of the European Union on the clause concerning the return and readmission of illegal immigrants (Article 13(5))

Declaration III

Joint Declaration on participation in the Joint Parliamentary Assembly (Article 17(1))

Declaration IV

Community Declaration on the financing of the ACP Secretariat

Declaration V

Community Declaration on the financing of the joint institutions

Declaration VI

Community Declaration relating to the Protocol on privileges and immunities

Declaration VII

Declaration by the Member States relating to the Protocol on privileges and immunities

Declaration VIII

Joint Declaration relating to the Protocol on privileges and immunities

Declaration IX

Joint Declaration on Article 49(2) on trade and environment

Declaration X

ACP Declaration on trade and environment

Declaration XI

Joint Declaration on the ACP cultural heritage

Declaration XII

Declaration by the ACP States on return or restitution of cultural property

Declaration XIII

Joint Declaration on copyright

Declaration XIV

Joint Declaration on regional cooperation and the outermost regions (Article 28)

Declaration XV

Joint Declaration on accession

Declaration XVI

Joint Declaration on accession of the overseas countries and territories referred to in Part Four of the EC Treaty

Declaration XVII

Joint Declaration on Article 66 (debt relief) of the Agreement

Declaration XVIII

EU Declaration on the Financial Protocol

Declaration XIX

Declaration by the Council and the Commission on the Programming Process

Declaration XX

Joint Declaration on the impact of Export Revenue Fluctuations on Vulnerable Small, Island and Landlocked ACP States

Declaration XXI

Community Declaration on Article 3 of Annex IV

Declaration XXII – [\[obsolete\]](#)

Declaration XXIII - [\[obsolete\]](#)

Declaration XXIV - [\[obsolete\]](#)

Declaration XXV - [\[obsolete\]](#)

Declaration XXVI - [\[obsolete\]](#)

Declaration XXVII - [\[obsolete\]](#)

Declaration XXVIII - Joint Declaration on cooperation between ACP States and the neighbouring overseas countries and territories and French overseas departments

Declaration XXIX - [\[obsolete\]](#)

Declaration XXX - [\[obsolete\]](#)

Declaration XXXI - [\[obsolete\]](#)

Declaration XXXII - [\[obsolete\]](#)

Declaration XXXIII - [\[obsolete\]](#)

Declaration XXXIV - [\[obsolete\]](#)

Declaration XXXV - [\[obsolete\]](#)

Declaration XXXVI - [\[obsolete\]](#)

Declaration XXXVII - [\[obsolete\]](#)

Declaration XXXVIII - [\[obsolete\]](#)

Declaration XXXIX - [\[obsolete\]](#)

Declaration XL - [\[obsolete\]](#)

Declaration XLI - [\[obsolete\]](#)

Declaration XLII - [\[obsolete\]](#)

Declaration XLIII - [obsolete]

Luxembourg, 25 June 2005 O.J. L 287, 28 October 2005

Declaration I

Joint Declaration on Article 8 of the Cotonou Agreement

Declaration II

Joint Declaration on Article 68 of the Cotonou Agreement

Declaration III

Joint Declaration on Annex Ia

Declaration IV

Joint Declaration on Article 3(5) of Annex IV

Declaration V

Joint Declaration on Article 9(2) of Annex IV

Declaration VI

Joint Declaration on Article 12(2) of Annex IV

Declaration VII

Joint Declaration on Article 13 of Annex IV

Declaration VIII

Joint Declaration on Article 19a of Annex IV

Declaration IX

Joint Declaration on Article 24(3) of Annex IV

Declaration X

Joint Declaration on Article 2 of Annex VII

Declaration XI

Community Declaration on Articles 4 and 58(2) of the Cotonou Agreement

Declaration XII

Community Declaration on Article 11a of the Cotonou Agreement

Declaration XIII

Community Declaration on Article 11b(2) of the Cotonou Agreement

Declaration XIV

Community Declaration on Articles 28, 29, 30 and 58 of the Cotonou Agreement and on Article 6 of Annex IV

Declaration XV

European Union Declaration on Annex Ia

Declaration XVI

Community Declaration on Articles 4(3), 5(7), 16(5) and (6) and 17(2) of Annex IV

Declaration XVII

Community Declaration on Article 4(5) of Annex IV

Declaration XVIII

Community Declaration on Article 20 of Annex IV

Declaration XIX

Community Declaration on Articles 34, 35 and 36 of Annex IV

Declaration XX

Community Declaration on Article 3 of Annex VII

Port Moresby, 1 and 2 June 2006, O.J. L 247, 09 September 2006

1. *EPAs*: EU Declaration

2. *Decommited funds*:

Community Declaration

3. *Interest subsidies*:

Community Declaration

[Ouagadougou, 22 June 2010, O.J. L 287, 04 November 2010](#)

Declaration I

[Joint Declaration on Support for Market Access in the ACP-EC Partnership](#)

Declaration II

[Joint Declaration on Migration and Development \(Article 13\)](#)

Declaration III

[European Union Declaration on Institutional Changes Resulting From the Entry into Force of the Treaty of Lisbon](#)

COTONOU, 23 JUNE 2000 O.J. L 317, 15 DECEMBER 2000

DECLARATION I

Joint Declaration on the actors of the partnership (Article 6)

The Parties agree that the definition of civil society may differ significantly according to the socio economic and cultural conditions of each ACP country. However, they believe that this definition may include inter alia the following organisations: human rights groups and agencies, grassroots organisations, women's associations, youth organisations, child-protection organisations, environmental movements, farmers' organisations, consumers' associations, religious organisations, development support structures (NGOs, teaching and research establishments), cultural associations and the media.

DECLARATION II

Declaration of the Commission and the Council of the European Union on the clause concerning the return and readmission of illegal immigrants (Article 13(5))

Article 13(5) shall be without prejudice to the internal division of powers between the Community and its Member States for the conclusion of readmission agreements.

DECLARATION III

Joint Declaration on participation in the Joint Parliamentary Assembly (Article 17(1))

The Parties reaffirm the role of the Joint Parliamentary Assembly in promoting and defending democratic processes through dialogue between members of parliament, and agree that the participation of representatives who are not members of a parliament, as set out in Article 17, shall be allowed only in exceptional circumstances. Such participation shall be subject to the approval of the Joint Parliamentary Assembly before each session.

DECLARATION IV
**Community Declaration on
the financing of the ACP Secretariat**

The Community shall contribute to the cost of running the ACP Secretariat from intra ACP cooperation resources

DECLARATION V
Community Declaration on the financing of the joint institutions

The Community, being aware that expenditure in connection with interpreting at meetings and the translation of documents is expenditure incurred essentially for its own requirements, is prepared to continue past practice and meet this expenditure both for meetings of the institutions of the Agreement which take place in the territory of a Member State and those which take place in the territory of an ACP State.

DECLARATION VI
Community Declaration relating to the Protocol on privileges and immunities

The Protocol on privileges and immunities is a multilateral act from the point of view of international law. However, any specific problems that may arise in the host State regarding the application of this Protocol should be settled by bilateral agreement with that State.

The Community has noted the ACP States' requests that certain provisions of Protocol 2 be modified, notably as regards the status of the staff of the ACP Secretariat, the Centre for the Development of Enterprise (CDE) and the Centre for the Development of Agriculture (CTA).

The Community is willing to seek jointly appropriate solutions in respect of the ACP States' requests with a view to establishing a separate legal instrument as referred to above.

In this context, the host country will, without derogating from the present benefits enjoyed by the ACP Secretariat, the CDE, the CTA and their staff:

- 1) Show understanding as regards the interpretation of the expression "staff of senior rank", such an interpretation to be arrived at by mutual agreement;
- 2) Recognise the powers delegated by the President of the Council of ACP Ministers to the Chairman of the ACP EC Committee of Ambassadors, in order to simplify implementation of Article 9 of the Protocol;
- 3) Agree to grant certain facilities to the staff of the ACP Secretariat, the CDE and the CTA to facilitate initial installation in the host country;
- 4) Examine in an appropriate way tax related questions concerning the ACP Secretariat, the CDE and the CTA and their staff.

DECLARATION VII

Declaration by the Member States relating to the Protocol on privileges and immunities

The Member States shall strive, in the context of their respective regulations, to facilitate throughout their respective territories, the movement in pursuit of their official duties of ACP diplomats accredited to the Community, members of the ACP Secretariat referred to in Article 7 of Protocol 2, whose names and positions shall be communicated in accordance with Article 9 of that Protocol, and the ACP executives of the CDE and the CTA.

DECLARATION VIII

Joint Declaration relating to the Protocol on privileges and immunities

Within the context of their respective regulations, the ACP States shall grant Commission delegations privileges and immunities similar to those granted to diplomatic missions so that they are able to carry out the functions incumbent on them under the Agreement in a satisfactory and effective manner.

DECLARATION IX

Joint Declaration on Article 49 (2) on trade and environment

Keenly aware of the specific risks attaching to radioactive waste, the Parties will refrain from any practice of discharging such waste which would encroach upon the sovereignty of States or threaten the environment or public health in other countries. They attach the greatest importance to developing international cooperation to protect the environment and public health against such risks. They accordingly affirm their determination to play an active part in the work being done in the IAEA to produce an internationally approved code of good practice. Council Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community defines the term "radioactive waste" as any material, which contains or is contaminated by radio nuclides and for which no use is foreseen. The Directive is applicable to shipments of radioactive waste between Member States and into and out of the Community whenever the quantities and concentration exceed the levels laid down in Article 3(2)(a) and (b) of the Council Directive 96/29/Euratom of 13 May 1996. The defined levels ensure basic safety standards for the protection of health of workers and the general public against the dangers arising from ionising radiation. Shipments of radioactive waste are subject to a system of prior authorisation as defined in Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community. Article 11(1)b of the Directive stipulates that the competent authorities of Member States shall not authorise shipments of radioactive waste to a State party to the Fourth ACP EEC Convention which is not a member of the Community, taking account, however, of Article 14. The Community ensures that Article 11 of Directive 92/3/Euratom will be revised to cover all Parties of this Agreement which are not members of the Community. Until then, the Community will act, as if the abovementioned parties would already be covered. The Parties shall make every effort to sign and ratify as quickly as

possible the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, as well as the 1995 amendment to the Convention, as laid down in Decision III/1.

DECLARATION X
ACP Declaration on trade and environment

The ACP States are seriously concerned about environmental problems in general and the transboundary movement of hazardous, nuclear and other radioactive wastes in particular.

In interpreting and implementing the provisions of Article 32(1)(d) of the Agreement, the ACP States have expressed their determination to be guided by the principles and the provisions of the OAU Resolution on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in Africa as contained in AHG 182 (XXV).

DECLARATION XI
Joint Declaration on the ACP cultural heritage

1. The Parties express their common will to promote the preservation and enhancement of the cultural heritage of each ACP country, at the international, bilateral and private level and in the context of this Agreement.
2. The Parties acknowledge the need to facilitate the access of ACP historians and researchers to archives with a view to promoting the development of exchange of information on the cultural heritage of ACP States.
3. They acknowledge the usefulness of providing assistance for the appropriate activities conducted especially in the area of training, for the preservation, protection and exhibition of cultural properties, monuments and objects, including the promulgation and implementation of appropriate legislation.
4. They underpin the importance of undertaking common cultural activities, facilitating the mobility of ACP and European artists, as well as the exchanges of cultural objects which are symbolic of their cultures and civilisations with a view to enhancing mutual understanding and solidarity between their respective populations.

DECLARATION XII
Declaration by the ACP States on return or restitution of cultural property

The ACP States urge the Community and its Member States, insofar as they acknowledge the legitimate right of the ACP States to cultural identity, to promote the return or restitution of cultural property taken from ACP States and now to be found in Member States.

DECLARATION XIII
Joint Declaration on copyright

The Parties acknowledge that promotion of copyright protection is an integral part of cultural cooperation, the aim of which is to enhance all forms of human expression. Furthermore, such protection is a prerequisite for nurturing and developing production, dissemination and publishing activities.

Consequently, the two Parties shall, in the context of ACP EC cultural cooperation, seek to promote and foster respect for copyright and related rights.

In this context, and in accordance with the rules and procedures laid down by the Agreement, the Community may offer financial and technical support for disseminating copyright information, training economic operators in the protection of such rights and drafting national legislation for their better protection.

DECLARATION XIV
Joint Declaration on regional cooperation and the outermost regions (Article 28)

The reference to the outermost regions concerns the Spanish autonomous community of the Canary Islands, the four French overseas departments, namely Guadeloupe, Guyana, Martinique and Réunion, and the Portuguese autonomous regions of the Azores and Madeira.

DECLARATION XV
Joint Declaration on accession

Any accession of a third State to this Agreement shall be made in compliance with the provisions of Article 1 and the objectives of Article 2 laid down by the ACP Group in the Georgetown Agreement as amended in November 1992.

DECLARATION XVI
Joint Declaration on accession of the overseas countries and territories referred to in Part Four of the EC Treaty

The Community and the ACP States are prepared to allow the overseas countries and territories referred to in Part Four of the Treaty which have become independent to accede to this Agreement, if they wish to continue their relations with the Community in this form.

DECLARATION XVII
Joint Declaration on Article 66 (debt relief) of the Agreement

The Parties agree on the following principles:

a) In the longer term, the Parties will seek an improvement of the Heavily Indebted Poor Countries initiative and promote a deepening, broadening and speeding up debt relief to ACP Countries;

b) The Parties will also seek the mobilisation and establishment of support mechanisms for debt reduction in favour of ACP countries who are not yet eligible for the HIPC initiative

DECLARATION XVIII
EU Declaration on the Financial Protocol

Within the overall amount of EUR 13 500 million of the 9th EDF, EUR 12 500 million shall be made available immediately upon the entry into force of the Financial Protocol. The remaining EUR 1 000 million shall be released on the basis of the performance review referred to in paragraph 7 of the Financial Protocol that shall be undertaken in 2004.

In evaluating the need for new resources, full account shall be taken of this performance review as well as of a date beyond which the funds of the 9th EDF will not be committed.

DECLARATION XIX
Declaration by the Council and the Commission on the Programming Process

The Community and its Member States reaffirm their attachment to the agreement on a reform of the programming process for implementation of assistance financed from the 9th EDF.

In this context, the Community and its Member States regard a properly implemented review mechanism as the most important tool for successful programming. The review process that has been agreed for governing the implementation of the 9th EDF will ensure continuity in the programming process while allowing for regular adjustments of the Country Support Strategy to reflect developments in needs and performance of the ACP State concerned.

In order to reap the full benefits of the reform and ensure the efficiency of the programming process, the Community and its Member States reaffirm the political commitment to the following principles:

The reviews must as far as possible be carried out in the ACP State concerned. Localising the reviews shall not imply that the Member States or the Commission Headquarters shall be prevented from following and being involved in the programming process as appropriate.

The time frames that have been set for completion of the reviews shall be respected.

The reviews must not be an isolated event in the programming process. The reviews shall be regarded as management tools, which synthesise the results of the regular (monthly) dialogue between the National Authorising Officer and the Commission's Head of Delegation.

The reviews must not increase the administrative burden of either of the Parties concerned. The procedures and reporting requirements surrounding the programming process must therefore be managed in a disciplined manner. To this end, the respective roles of the Member States and the Commission in the decision making process will be reviewed and adapted.

DECLARATION XX

Joint Declaration on the Impact of Export Revenue Fluctuations on Vulnerable Small, Island and Landlocked ACP States

The Parties note the concern of ACP States that the modalities of the mechanism for additional support to countries suffering from fluctuation of export revenues may not provide sufficient support to vulnerable small, island and landlocked States subject to volatile export revenues.

From the second year of operation of the mechanism, and on request of one or more ACP States who have met with difficulties, the Parties agree to re examine the modalities of the mechanism on the basis of a proposal from the Commission, with a view, where necessary, to remedy the effects of such fluctuations

DECLARATION XXI

Community Declaration on Article 3 of Annexe IV

The notification of the indicative amount referred to in Article 3 of Annexe IV, will not apply to the ACP States with whom the Community has suspended its cooperation.

DECLARATION XXII

[Obsolete]

DECLARATION XXIII

[Obsolete]

DECLARATION XXIV

[Obsolete]

DECLARATION XXV
[Obsolete]

DECLARATION XXVI
[Obsolete]

DECLARATION XXVII
[Obsolete]

DECLARATION XXVIII
Joint Declaration on cooperation between ACP States and the neighbouring overseas countries and territories and French overseas departments

The Parties shall encourage greater regional cooperation in the Caribbean, the Pacific and the Indian Ocean involving ACP States and the neighbouring overseas countries and territories and French overseas departments.

The Parties call upon interested Parties to consult each other on the procedure for promoting such cooperation and, in this context, to take measures, in line with their respective policies and their specific situation in the region, which will permit initiatives in the economic field, including the development of trade, as well as in the social and cultural fields.

Where there are trade agreements involving French overseas departments, such agreements may provide for specific measures in favour of products from those departments.

Issues relating to cooperation in these different areas shall be brought to the attention of the Council of Ministers, so that it can be duly informed of the progress achieved.

DECLARATION XXIX
[Obsolete]

DECLARATION XXX
[Obsolete]

DECLARATION XXXI
[Obsolete]

DECLARATION XXXII
[Obsolete]

DECLARATION XXXIII
[Obsolete]

DECLARATION XXXIV
[Obsolete]

DECLARATION XXXV
[Obsolete]

DECLARATION XXXVI
[Obsolete]

DECLARATION XXXVII
[Obsolete]

DECLARATION XXXVIII
[Obsolete]

DECLARATION XXXIX
[Obsolete]

DECLARATION XL
[Obsolete]

DECLARATION XLI
[Obsolete]

DECLARATION XLII
[Obsolete]

DECLARATION XLIII
[Obsolete]

LUXEMBOURG, 25 JUNE 2005 O.J. L 287, 28 OCTOBER 2005

DECLARATION I
**Joint declaration on
article 8 of the Cotonou agreement**

In relation to dialogue at national and regional levels, for the purposes of Article 8 of the Cotonou Agreement, the 'ACP Group' shall be taken to mean the Troika of the ACP Committee of Ambassadors (CoA) and the Chairperson of the ACP Sub-committee on Political, Social, Humanitarian and Cultural Affairs (PSHCA); the Joint Parliamentary Assembly (JPA) shall be interpreted as the Co-Presidents of the JPA, or their designated nominees.

DECLARATION II
**Joint declaration on
article 68 of the Cotonou agreement**

The ACP-EC Council of Ministers will examine, in application of the provisions contained in Article 100 of the Cotonou Agreement, the proposals of the ACP side concerning Annexe II thereof on short-term fluctuations in export earnings (FLEX).

DECLARATION III
Joint declaration on annexe Ia

Should the Agreement amending the Cotonou Agreement not have entered into force by 1 January 2008, cooperation shall be financed from the balances of the 9th EDF and from the previous EDFs.

DECLARATION IV
Joint declaration on article 3(5) of annexe IV

For the purposes of Article 3(5) of Annexe IV, 'special needs' are needs resulting from exceptional or unforeseen circumstances, such as post-crisis situations; 'exceptional performance' means a situation in which, outside the mid-term and end-of-term reviews, a country's allocation is totally committed and additional funding from the national indicative programme can be absorbed against a background of effective poverty-reduction policies and sound financial management.

DECLARATION V
Joint declaration on article 9(2) of annexe IV

For the purposes of Article 9(2) of Annexe IV, 'new needs' are needs resulting from exceptional or unforeseen circumstances, such as post-crisis situations; 'exceptional performance' means a situation in which, outside the mid-term and end-of-term reviews, a region's allocation is totally committed and additional funding from the regional indicative programme can be absorbed against a background of effective regional integration policies and sound financial management.

DECLARATION VI
Joint declaration on article 12(2) of annexe VI

For the purposes of Article 12(2) of Annexe VI, 'new needs' are needs which may arise from exceptional or unforeseen circumstances, such as those arising from new commitments to international initiatives or to address challenges which are common to ACP countries.

DECLARATION VI
Joint declaration on article 13 of annexe IV

In view of the particular geographic situation of the Caribbean and Pacific regions, the ACP Council of Ministers or the ACP Committee of Ambassadors may, notwithstanding Article 13(2)(a) of Annexe IV, present a specific funding request for one or the other of these regions.

DECLARATION VIII
Joint declaration on article 19a of annexe IV

In accordance with Article 100 of the Cotonou Agreement, the Council of Ministers will examine the provisions of Annexe IV concerning the awarding and performance of contracts with a view to adopting them before the Agreement amending the Cotonou Agreement enters into force.

DECLARATION VIII
Joint declaration on article 19a of annexe IV

In accordance with Article 100 of the Cotonou Agreement, the Council of Ministers will examine the provisions of Annexe IV concerning the awarding and performance of contracts with a view to adopting them before the Agreement amending the Cotonou Agreement enters into force

DECLARATION IX
Joint declaration on article 24(3) of annexe IV

The ACP States will be consulted, a priori, on any amendments to the Community rules referred to in Article 24(3) of Annexe IV

DECLARATION X
Joint declaration on article 2 of annexe VII

The internationally recognised standards and norms are those of the instruments referred to in the Preamble of the Cotonou Agreement.

DECLARATION XI

Community declaration on articles 4 and 58(2) of the Cotonou agreement

For the purpose of Articles 4 and 58(2), it is understood that the term 'local decentralised authorities' covers all levels of decentralisation including 'collectivités locales'.

Financial and technical assistance in the area of cooperation in the fight against terrorism will be financed by resources other than those intended for the financing of ACP-EC development cooperation.

DECLARATION XIII

Community declaration on article 11b(2) of the Cotonou agreement

It is understood that the measures set out in Article 11b(2) of the Cotonou Agreement will be undertaken within an adapted timeframe that takes into account each country specific constraints.

DECLARATION XIV

Community declaration on articles 28, 29, 30 and 58 of the Cotonou agreement and on article 6 of Annexe IV

The implementation of the provisions regarding regional cooperation where non-ACP countries are involved will be subject to the implementation of equivalent provisions in the framework of the Community's financial instruments on cooperation with other countries and regions of the world. The Community will inform the ACP Group upon the entry into force of these equivalent provisions.

DECLARATION XV

European Union declaration on annexe Ia

1. The European Union undertakes to propose at the earliest opportunity, if at all possible by September 2005, an exact amount for the multiannual financial framework for cooperation under the Agreement amending the Cotonou Agreement and its period of application.

2. The minimum aid effort referred to in paragraph 2 of Annexe Ia is guaranteed, without prejudice to the eligibility of the ACP countries for additional resources under other financial instruments which already exist or, potentially, may be created in support of actions in areas such as emergency humanitarian aid, food security, poverty-related diseases, support for the implementation of the Economic Partnership Agreements, support for the measures envisaged following the reform of the sugar market, and relating to peace and stability.

3. The deadline for the commitment of funds of the 9th EDF, fixed at 31 December 2007, could be reviewed if necessary.

DECLARATION XVI
Community declaration on articles 4(3), 5(7), 16(5) and (6) and 17(2) of annexe IV

These provisions are without prejudice to the role of the Member States in the decision making process.

DECLARATION XVII
Community declaration on article 4(5) of annexe IV

Article 4(5) of Annexe IV and the return to the standard management arrangements will be implemented by means of a Council decision based on a Commission proposal. This decision will be duly notified to the ACP Group.

DECLARATION XVIII
Community declaration on article 20 of annexe IV

The provisions of Article 20 of Annexe IV will be implemented in accordance with the principle of reciprocity with other donors.

DECLARATION XIX
Community declaration on articles 34, 35 and 36 of annexe IV

The detailed respective responsibilities of management and executing agents of Fund resources are included in a manual on procedures upon which ACP States will be consulted in accordance with Article 12 of the Cotonou Agreement. The manual will be made available to ACP States from the entry into force of the Agreement amending the Cotonou Agreement. Any amendments to the manual will be subject to the same procedure.

DECLARATION XX
Community declaration on article 3 of annexe VII

As regards the modalities foreseen in Article 3 of Annexe VII, the position to be taken by the Council of the European Union within the Council of Ministers will be based on a proposal by the Commission.

**DECLARATIONS CONCERNING THE MULTI-ANNUAL FINANCIAL FRAMEWORK FOR THE
PERIOD 2008 TO 2013 AGREED AT THE 31st SESSION OF THE ACP-EC COUNCIL OF MINISTERS
PORT MORESBY, PAPUA NEW GUINEA, 1 AND 2 JUNE 2006**

1. EPAs: EU Declaration

The Economic Partnership Agreements, as development instruments, aim to foster smooth and gradual integration of the ACP States into the world economy, especially by making full use of the potential of regional integration and South-South trade.

The Commission reconfirms the importance of further steps towards coherent regional integration and sectoral policy reforms, and that the gradually arising needs from the implementation of EPAs will be taken into account in the programming dialogue with the ACP on the end of term review of the 9th EDF and on the resources of the 10th EDF, covering the time period after the entry into force on 1 January 2008.

Moreover, the European Union recalls its commitments to substantially increase Aid for Trade by 2010 in addition to the EDF resources.

2. Decommited funds: Community Declaration

Based on the performance review in 2010 and a proposal by the Commission, the Council of the European Union will consider a decision by unanimity on the transfer of any funds decommitted from ACP projects funded out of the 9th and previous EDFs into the reserves of the 10th EDF. Given the important development objectives pursued by EPAs, the Council of the European Union will, in its consideration, also pay attention to giving further support to structural adjustment costs and other development needs in the implementation of EPAs.

3. Interest subsidies: Community Declaration

Acknowledging the high adaptation costs to which the sugar protocol countries are confronted as a result of the EC sugar reforms, the EIB shall endeavour to direct part of the resources of the investment facility and of its own resources towards investments in the sugar sector of the ACP sugar protocol countries. An amount of up to EUR 100 million shall be mobilised where applicable and on the basis of the eligibility criteria set out in Annexe II to the Cotonou Agreement from the envelope for grants for the financing of the interest rate subsidies foreseen in paragraph 2(c) of Annexe I(b) to the Cotonou Agreement.

Ouagadougou, 22 June 2010, O.J. L 287, 04 November 2010

DECLARATION I

Joint declaration on support for market access in the ACP-EC partnership

The Parties recognise the significant value of preferential market access conditions to ACP economies, specifically for the commodity and other agro-industry sectors which are of critical importance to the economic and social development of the ACP States and constitute a major contribution to employment, export earnings and Government revenue.

The Parties acknowledge that some sectors have been undergoing, with EU support, a process of transformation aimed at allowing ACP exporters concerned to compete in the EU and the international markets, including through the development of branded and other value added products.

They also recognise that additional support could be necessary where greater liberalisation of trade may lead to deeper alteration of market access conditions for ACP producers. To that end, they agree to examine all necessary measures in order to maintain the competitive position of the ACP States in the EU market. Such examination may include rules of origin, sanitary and phytosanitary measures and implementation of specific measures addressing supply side constraints in the ACP States. The objective will be to enable ACP States to exploit their existing and potential comparative advantage in the EU market.

When assistance programmes are developed and resources provided, the Parties agree to conduct periodic evaluations to assess progress and the results attained and decide on appropriate additional measures to be implemented.

The Joint Ministerial Trade Committee shall monitor the implementation of this Declaration and make appropriate reports and recommendations to the Council of Ministers.

DECLARATION II

Joint declaration on migration and development (Article 13)

The Parties agree to strengthen and deepen their dialogue and cooperation in the area of migration, building on the following three pillars of a comprehensive and balanced approach to migration:

1. Migration and Development, including issues relating to diasporas, brain drain and remittances;
2. Legal migration including admission, mobility and movement of skills and services; and
3. Illegal migration, including smuggling and trafficking of human beings and border management, as well as readmission.

Without prejudice to the current Article 13, the Parties undertake to work out the details of this enhanced cooperation in the area of migration.

They further agree to work towards the timely completion of this dialogue and to report about the progress made to the next ACP-EC Council.

DECLARATION III

European Union declaration on institutional changes resulting from the entry into force of the Treaty of Lisbon

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the text of the Agreement are, where appropriate, to be read as "the European Union".

The European Union will propose to the ACP States an Exchange of Letters with the aim of bringing the Agreement into conformity with the institutional changes in the European Union resulting from the entry into force of the Treaty of Lisbon.



Council of the
European Union

Brussels, 19 July 2023
(OR. en)

**Interinstitutional File:
2021/0145(NLE)**

**8372/1/23
REV 1**

**ACP 27
COAFR 140
COLAC 38
COASI 80
WTO 50
RELEX 465**

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Partnership Agreement between the European Union and its Member States, of the one part, and the Members of the Organisation of the African, Caribbean and Pacific States, of the other part

PARTNERSHIP AGREEMENT
BETWEEN THE EUROPEAN UNION AND ITS MEMBER STATES, OF THE ONE PART,
AND THE MEMBERS OF THE ORGANISATION OF AFRICAN, CARIBBEAN
AND PACIFIC STATES, OF THE OTHER PART

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PART II - STRATEGIC PRIORITIES

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PEOPLE-CENTRED AND RIGHTS-BASED SOCIETIES

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TITLE III - HUMAN AND SOCIAL DEVELOPMENT

TITLE IV - INCLUSIVE, SUSTAINABLE ECONOMIC GROWTH AND
DEVELOPMENT

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AND CLIMATE CHANGE

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CARIBBEAN REGIONAL PROTOCOL

PART I - FRAMEWORK FOR COOPERATION

PART II - KEY AREAS OF COOPERATION

TITLE I - INCLUSIVE SUSTAINABLE ECONOMIC GROWTH AND DEVELOPMENT

TITLE II - ENVIRONMENTAL SUSTAINABILITY, CLIMATE CHANGE AND SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

TITLE III - HUMAN RIGHTS, GOVERNANCE, PEACE AND SECURITY

TITLE IV - HUMAN DEVELOPMENT, SOCIAL COHESION AND MOBILITY

PACIFIC REGIONAL PROTOCOL

PART I - FRAMEWORK FOR COOPERATION

PART II - KEY AREAS OF COOPERATION

TITLE I - ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

TITLE II - INCLUSIVE AND SUSTAINABLE ECONOMIC DEVELOPMENT

TITLE III - OCEANS, SEAS AND FISHERIES

TITLE IV - SECURITY, HUMAN RIGHTS, DEMOCRACY AND
GOVERNANCE

TITLE V - HUMAN AND SOCIAL DEVELOPMENT

ANNEXES

ANNEX I: RETURN AND READMISSION PROCESSES

ANNEX II: OPERATIONS OF THE EUROPEAN INVESTMENT BANK

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 REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF 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,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, hereinafter referred to as the "Member States of the European Union",

and

THE EUROPEAN UNION,

hereinafter jointly referred to as the "EU Party",

of the one part, and

THE REPUBLIC OF ANGOLA,

ANTIGUA AND BARBUDA,

THE COMMONWEALTH OF THE BAHAMAS,

BARBADOS,

BELIZE,

THE REPUBLIC OF BENIN,

THE REPUBLIC OF BOTSWANA,

BURKINA FASO,

THE REPUBLIC OF BURUNDI,

THE REPUBLIC OF CABO VERDE,

THE REPUBLIC OF CAMEROON,

THE CENTRAL AFRICAN REPUBLIC,

THE REPUBLIC OF CHAD,

THE UNION OF THE COMOROS,

THE REPUBLIC OF THE CONGO,

THE COOK ISLANDS,

THE REPUBLIC OF CÔTE D'IVOIRE,

THE REPUBLIC OF CUBA,

THE DEMOCRATIC REPUBLIC OF THE CONGO,

THE REPUBLIC OF DJIBOUTI,

THE COMMONWEALTH OF DOMINICA,

THE DOMINICAN REPUBLIC,

THE REPUBLIC OF EQUATORIAL GUINEA,

THE STATE OF ERITREA,

THE KINGDOM OF ESWATINI,

THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA,

THE REPUBLIC OF FIJI,

THE GABONESE REPUBLIC,

THE REPUBLIC OF THE GAMBIA,

THE REPUBLIC OF GHANA,

GRENADA,

THE REPUBLIC OF GUINEA,

THE REPUBLIC OF GUINEA-BISSAU,

THE COOPERATIVE REPUBLIC OF GUYANA,

THE REPUBLIC OF HAITI,

JAMAICA,

THE REPUBLIC OF KENYA,

THE REPUBLIC OF KIRIBATI,

THE KINGDOM OF LESOTHO,

THE REPUBLIC OF LIBERIA,

THE REPUBLIC OF MADAGASCAR,

THE REPUBLIC OF MALAWI,

THE REPUBLIC OF MALDIVES,

THE REPUBLIC OF MALI,

THE REPUBLIC OF THE MARSHALL ISLANDS,

THE ISLAMIC REPUBLIC OF MAURITANIA,

THE REPUBLIC OF MAURITIUS,

THE FEDERATED STATES OF MICRONESIA,

THE REPUBLIC OF MOZAMBIQUE,

THE REPUBLIC OF NAMIBIA,

THE REPUBLIC OF NAURU,

THE REPUBLIC OF NIGER,

THE FEDERAL REPUBLIC OF NIGERIA,

NIUE,

THE REPUBLIC OF PALAU,

THE INDEPENDENT STATE OF PAPUA NEW GUINEA,

THE REPUBLIC OF RWANDA,

THE FEDERATION OF SAINT KITTS AND NEVIS,

SAINT LUCIA,

SAINT VINCENT AND THE GRENADINES,

THE INDEPENDENT STATE OF SAMOA,

THE DEMOCRATIC REPUBLIC OF SÃO TOMÉ AND PRÍNCIPE,

THE REPUBLIC OF SENEGAL,

THE REPUBLIC OF SEYCHELLES,

THE REPUBLIC OF SIERRA LEONE,

SOLOMON ISLANDS,

THE FEDERAL REPUBLIC OF SOMALIA,

THE REPUBLIC OF THE SUDAN,

THE REPUBLIC OF SURINAME,

THE UNITED REPUBLIC OF TANZANIA,

THE DEMOCRATIC REPUBLIC OF TIMOR-LESTE,

THE TOGOLESE REPUBLIC,

THE KINGDOM OF TONGA,

THE REPUBLIC OF TRINIDAD AND TOBAGO,

TUVALU,

THE REPUBLIC OF UGANDA,

THE REPUBLIC OF VANUATU,

THE REPUBLIC OF ZAMBIA,

THE REPUBLIC OF ZIMBABWE,

Members of the Organisation of the African, Caribbean and Pacific States (OACPS), hereinafter referred to as the "OACPS Members", of the other part,

hereinafter jointly referred to as the "Parties",

HAVING REGARD to the Revised Georgetown Agreement establishing the Organisation of African, Caribbean and Pacific States, on the one hand, and the Treaty on European Union and the Treaty on the Functioning of the European Union, on the other;

CONSIDERING their strong links and the close political, economic and cultural ties that unite them;

REAFFIRMING their attachment to the rules-based global order, with multilateralism as its key principle and the United Nations at its core;

CONFIRMING their commitment to sustainable development in line with the 2030 Agenda for Sustainable Development;

STRESSING the importance of regular dialogue on issues of mutual interest at all relevant levels;

REAFFIRMING their commitment to consolidating their partnership by coordinating actions in international forums based on common interests, shared values and mutual respect, and cognisant of their ability to shape global outcomes when acting jointly;

CONFIRMING their commitment to democratic principles and human rights as laid down in the Universal Declaration of Human Rights and other relevant international human rights instruments, as well as to the principles of the rule of law and good governance;

RECALLING their strong will to promote peace and security and their international obligations on the non-proliferation of weapons of mass destruction, as well as their determination to prevent and prosecute the most serious crimes of concern to the international community;

REAFFIRMING their commitment to foster multi-stakeholder cooperation in support of the achievement of sustainable development, taking account of the different roles played by different stakeholders, while ensuring that they all operate within the rule of law;

STRESSING the urgency to tackle global environmental challenges, the importance of the Paris Agreement on climate change, the urgent need to build stable and sustainable low-carbon economies and societies resilient to climate change, and to move forward to achieve common environmental, climate change and renewable energy goals;

RECOGNISING the importance of structural economic transformation in achieving inclusive and sustainable economic growth and development;

RECALLING their commitment to the principles and rules that govern international trade, in particular those agreed in the World Trade Organization;

RECALLING their commitment to respect labour rights, taking into account the principles laid down in conventions of the International Labour Organization;

RECOGNISING the important role of science, technology, research and innovation in accelerating the transition to knowledge-based societies, facilitated through the use of digital tools in pursuit of sustainable development;

RECALLING their commitment to fostering human and social development, eradicating poverty, and fighting discrimination and inequality, leaving no one behind;

ACKNOWLEDGING that changing demographic dynamics, combined with economic, social and environmental changes offer opportunities for, and pose challenges to, sustainable development;

REAFFIRMING that gender equality and empowerment of women and girls are essential to achieving inclusive and sustainable development;

RECOGNISING the importance of youth for shaping the future and contributing to sustainable development;

REAFFIRMING their commitment to promoting a people-centred partnership and to enhancing people-to-people contacts, including through cooperation and exchanges in the field of science, technology, innovation, education and culture;

REAFFIRMING their commitment to enhancing cooperation and dialogue on migration and mobility;

RECOGNISING the increasing risks caused by natural disasters, economic and other exogenous shocks including pandemics;

CONFIRMING their willingness to collaborate in support of regional and continental integration, particularly with a view to achieving the objectives set out in Agenda 2063 of the African Union and in the integration and cooperation frameworks of the Caribbean and Pacific;

RECALLING the principles of policy coherence for development and aid effectiveness, as well as the principles of the Addis Ababa Action Agenda (AAAA);

HAVING REGARD to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part¹, as last amended (the "Cotonou Agreement"),

HAVE AGREED AS FOLLOWS:

¹ OJ EC L 317, 15.12.2000, p. 3.

PART I

GENERAL PROVISIONS

ARTICLE 1

Objectives

1. The European Union and its Member States, hereinafter referred to as the "EU Party", of the one part, and the Organisation of the African, Caribbean and Pacific States (OACPS) Members, of the other part, hereinafter jointly referred to as the "Parties", hereby agree to conclude this Agreement, establishing a strengthened political partnership to generate mutually beneficial outcomes on common and intersecting interests and in accordance with their shared values.
2. This Agreement shall contribute to achieving the United Nations (UN) Sustainable Development Goals (SDGs), with the 2030 Agenda for Sustainable Development, adopted at the UN Sustainable Development Summit on 25 September 2015 (the "2030 Agenda"), and the Paris Agreement adopted under the UN Framework Convention on Climate Change, done at Paris on 12 December 2015 (the "Paris Agreement"), as overarching frameworks guiding the partnership under this Agreement.
3. The objectives of this Agreement are to:
 - (a) promote, protect and fulfil human rights, democratic principles, the rule of law and good governance, paying particular attention to gender equality;

- (b) build peaceful and resilient states and societies, tackling ongoing and emerging threats to peace and security;
- (c) foster human and social development, and in particular to eradicate poverty and address inequalities, ensuring that everyone enjoys a life of dignity and that no one is left behind, with special attention paid to women and girls;
- (d) mobilise investment, support trade and foster private-sector development, with a view to achieving sustainable and inclusive growth and creating decent jobs for all;
- (e) combat climate change, protect the environment and ensure the sustainable management of natural resources; and
- (f) implement a comprehensive and balanced approach to migration, so as to reap the benefits of safe, orderly and regular migration and mobility, stem irregular migration while addressing its root causes, in full respect of international law and in accordance with the Parties' respective competences.

4. Partnership dialogue and action tailored to the specificities of the Parties shall constitute the main tools to achieve the objectives of this Agreement.

5. This Agreement shall facilitate the Parties' adoption of common positions on the world stage, reinforcing partnerships to promote multilateralism and the rules-based international order, with a view to driving global action forward.

ARTICLE 2

Principles

1. The Parties shall pursue the objectives of this Agreement in a spirit of shared responsibility, solidarity, reciprocity, mutual respect and accountability.
2. The Parties reaffirm their commitment to developing friendly relations among nations, based on respect for the principle of sovereign equality among all states, and to refraining from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Charter of the United Nations (the "UN Charter").
3. The Parties agree to implement each Regional Protocol in accordance with the broad principles agreed in the General Part, while taking account of the specificities of the regions. They also agree to tailor actions to the different needs of least developed countries (LDCs), landlocked countries, small island developing states (SIDS) and low-lying coastal states, taking into consideration the diverse challenges they face.
4. The Parties shall make decisions and undertake actions at the most appropriate domestic, regional or multi-country level.
5. The Parties shall systematically promote a gender perspective and ensure that gender equality is mainstreamed across all policies.

6. The Parties shall take an integrated approach to their cooperation that incorporates political, economic, social, environmental and cultural elements.
7. The Parties shall intensify efforts to further regional integration and cooperation to best manage security concerns, reap the economic gains of globalisation and address transnational challenges and opportunities as appropriate.
8. The Parties shall promote a multi-stakeholder approach, enabling the active engagement of a wide variety of actors in partnership dialogue and cooperation processes, including parliaments, local authorities, civil society and the private sector.
9. Cooperation within formal and ad hoc regional formats may be pursued in order to meet the objectives of the partnership under this Agreement more effectively and efficiently. The Parties may also agree on provisions and flexible procedures that enable interested Parties to deepen dialogue and cooperation on specific thematic and cross-regional issues.

ARTICLE 3

Partnership dialogue

1. The Parties shall engage in regular, balanced, comprehensive and substantive partnership dialogue on all areas of this Agreement, leading to commitments and, where appropriate, actions on both sides, for the effective implementation of this Agreement.

2. The Parties agree that the objective of the partnership dialogue shall be to exchange information, foster mutual understanding and facilitate the establishment of agreed priorities and shared agendas at national, regional and international levels. They shall cooperate and coordinate on issues of common interest and new challenges in international settings.

3. The Parties agree that the partnership dialogue shall be conducted in a flexible and tailor-made manner, shall take place at regular intervals in the appropriate format and at the most appropriate domestic, regional or multi-country level, and shall take full advantage of all possible channels, including in regional and international settings. They agree to monitor and evaluate the effectiveness of the partnership dialogue and to adapt its scope, as appropriate.

4. The Parties agree that parliaments, and, where appropriate, representatives of civil society organisations and the private sector, shall be duly informed, consulted and enabled to feed into the partnership dialogue. Regional and continental organisations shall be associated with the partnership dialogue, as appropriate.

ARTICLE 4

Policy coherence

1. The Parties shall work towards coherent policies at national, regional and international levels with a view to attaining the objectives of this Agreement, through a targeted, strategic and partnership-oriented approach.

2. The Parties shall individually and collectively foster synergies between policies with a view to avoiding or minimising negative impacts that their policies may have on the other Parties. The Parties shall undertake to inform and, where appropriate, consult with the other Parties on initiatives and measures that may significantly affect them.

3. The Parties reaffirm their commitment to policy coherence for development as a crucial element of achieving the SDGs.

ARTICLE 5

Actors

1. The Parties acknowledge that governments play a central role in defining and implementing priorities and strategies for their countries. They recognise the crucial role of parliaments in shaping and adopting legislation, agreeing budgets and holding governments to account. They acknowledge the role and contribution of local authorities in enhancing democratic accountability and complementing governmental action.

2. The Parties recognise the important role of sub-regional, regional, continental and intercontinental organisations in achieving the objectives of this Agreement, in particular those of the Regional Protocols.

3. The Parties acknowledge the important role and contribution of stakeholders, in all forms and national characteristics, namely civil society, economic and social partners, including trade union organisations, and the private sector, and agree to promote and strengthen their effective participation with a view to fostering more inclusive and multi-stakeholder policy processes. For those purposes, the Parties shall ensure that all those stakeholders, where appropriate, are informed and consulted on strategies and sectoral policies, provide input into the broad process of dialogue, receive capacity building in critical areas and participate in the implementation of cooperation programmes in the areas that concern them. Such participation in cooperation programmes shall be based on the extent to which they address the needs of the population and on their specific competencies, and have accountable and transparent governance structures.

ARTICLE 6

Structure

1. This Agreement consists of the General Part (Parts I to VI), three Regional Protocols ("the Regional Protocols") and Annexes.
2. The General Part and the Annexes shall be legally binding on the Parties.

3. The Regional Protocols shall be legally binding on the EU Party and on the African, the Caribbean and the Pacific OACPS Members, respectively. Nothing in the Regional Protocols and their interpretation and implementation can affect or deviate from the provisions under the General Part and the decisions of the OACPS-EU Council of Ministers.

ARTICLE 7

Cross-cutting themes

1. The Parties agree that systematic account shall be taken of the following cross-cutting themes to inform action in all areas of cooperation: human rights, democracy, gender equality, peace and security, environmental protection, the fight against climate change, culture and youth.
2. The Parties shall cooperate to support capacity building to effectively address challenges and achieve the objectives set out in this Agreement. They shall aim to foster the strengthening of institutions, promote the exchange of best practices and facilitate knowledge transfer and sharing.
3. The Parties shall strengthen the resilience of countries, communities and individuals, and particularly that of vulnerable populations, in the face of environmental and climate change-related challenges, economic shocks, conflicts and political crises and epidemics and pandemics.

PART II

STRATEGIC PRIORITIES

TITLE I

HUMAN RIGHTS, DEMOCRACY AND GOVERNANCE IN PEOPLE-CENTRED AND RIGHTS-BASED SOCIETIES

ARTICLE 8

The Parties reaffirm their determination to promote, protect and fulfil human rights, fundamental freedoms and democratic principles, and to strengthen the rule of law and good governance, in compliance with the UN Charter, the Universal Declaration of Human Rights and international law, in particular international human rights law and, where relevant, international humanitarian law.

The Parties shall promote people-centred and rights-based policies, encompassing all human rights and ensuring equal access to opportunities for all members of society, directed towards sustainable development centred on the human being. The Parties recognise that respect for democracy, human rights, fundamental freedoms, the rule of law and good governance is an integral part of sustainable development.

ARTICLE 9

Human rights, democracy and rule of law

1. The Parties, recognising that human rights are universal, indivisible, interdependent and interrelated, shall promote, protect and fulfil all human rights, be they civil, political, economic, social or cultural. They shall protect and ensure the full and equal enjoyment of all fundamental freedoms, such as the freedom of opinion and expression, the freedom of assembly and association, and the freedom of thought, religion and belief.
2. The Parties shall commit to the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, without discrimination based on any ground including sex, ethnic or social origin, religion or belief, political or any other opinion, disability, age, or other status. They commit to fighting all forms of racism, racial discrimination, xenophobia and related intolerance, and all forms of violence and discrimination, including all instances of advocacy of hatred. They commit to the recognition and advancement of the rights of indigenous peoples, as set out in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).
3. The Parties shall have partnership dialogue at bilateral level on the death penalty. Where the death penalty is provided for in national legislation and is still applied, the Parties shall adhere to due process and internationally agreed minimum standards.

4. The Parties reaffirm that the universally recognised democratic principles underpinning the organisation of the State ensure the legitimacy of its authority, the legality of its actions reflected in its constitutional, legislative and regulatory system, and the existence of participatory mechanisms. They shall preserve and strengthen the application of those principles by ensuring inclusive, transparent and credible elections with due respect for sovereignty, as well as by allowing and supporting participatory decision-making processes. The Parties shall promote the upholding of electoral best practices and cooperation between them, including on electoral observation within the EU Party and OACPS Members, as appropriate.

5. The Parties shall actively support the consolidation of the rule of law at national, regional and international levels, acknowledging its crucial importance for the protection of human rights and for the effective functioning of democratic institutions. That includes ensuring the existence of an independent, impartial and well-functioning judicial system, equality before the law, the right to a fair trial and due process and access to effective mechanisms of legal redress.

6. The Parties recognise the right to development based on the indivisibility, interdependence, universality and inalienability of all human rights, by virtue of which every human being and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised. They shall support measures for the enhancement of the right to development and shall ensure, *inter alia*, equality of opportunity for all to access, and benefit from, basic resources and essential services such as education, health services, food, housing, employment and the fair distribution of income.

7. The Parties agree that respect for human rights, democratic principles and the rule of law shall underpin their domestic and international policies and constitute an essential element of this Agreement.

ARTICLE 10

Gender equality

1. The Parties reaffirm their strong commitment to achieving gender equality, the full enjoyment of all human rights by all, as well as everyone's empowerment as a driver for sustainable development. They shall embody the principle of gender equality in their national constitutions or other appropriate legislation.

2. The Parties acknowledge that gender inequality deprives women of their basic human rights and opportunities. They shall adopt and strengthen enforceable legislation, legal frameworks and sound policies, programmes and mechanisms to ensure women's and girls' equal access to, equal opportunities in, equal control over, and full and equal participation in, all spheres of life, on an equal footing with men and boys.

3. The Parties shall focus, in particular, on improving the access of women, and where appropriate girls, to all resources they need throughout life for the realisation of their full potential and the full exercise of their human rights and fundamental freedoms, such as in respect of quality education, health, employment opportunities, access to and control over economic resources, political decision-making, governance structures and private undertakings, with a special emphasis on women in vulnerable situations. They shall promote women's full and effective participation in, and equal opportunities for, leadership at all levels of decision making in political, economic and public life.

4. The Parties undertake to prevent, combat and prosecute all forms of sexual and gender-based violence and discrimination in the public and private spheres, including trafficking and sexual exploitation and abuse. They shall take all necessary measures to tackle deeply rooted gender bias and eliminate all harmful practices such as child, early and forced marriage and female genital mutilation and cutting.

ARTICLE 11

Inclusive and pluralistic societies

1. The Parties undertake to ensure equal opportunities for all members of society in all spheres of life. They shall prevent, prohibit and eradicate discriminatory practices and shall adopt effective measures to ensure the full and equal enjoyment of all human rights.

2. The Parties shall protect and promote freedom of expression, freedom of opinion, freedom of assembly, and media independence and pluralism as pillars of democracy, noting that these are not only human rights but also prerequisites for democracy, development and dialogue.
3. The Parties shall foster inclusive and pluralistic societies, including multi-party democracy. They shall promote the key role of effective, transparent and accountable national and local assemblies and political parties. They shall also promote the active and genuine participation of all stakeholders and citizens, including women and youth, in responsive, inclusive, participatory and representative political processes and decision-making at all levels.
4. The Parties shall preserve and broaden an enabling space for an active, organised, transparent civil society, acknowledging its role in promoting and monitoring democracy, human rights, fundamental freedoms, social justice and inclusion, and as defender of rights holders and of the rule of law, thus strengthening domestic transparency and accountability.
5. The Parties, acknowledging that the internet offers a platform to share knowledge and ideas, shall endeavour to make full use of the potential of digital solutions to promote equal public access to information at all levels and participatory decision-making, and to enhance digital competence, while addressing the risks of abuse and promoting open attitudes towards, and respect for, diversity.

ARTICLE 12

Good governance

1. The Parties reaffirm that good governance rests on transparent, responsible, accountable and participatory governments, and appropriate oversight mechanisms. The Parties agree that good governance is critical to the respect of all human rights, democratic principles and the rule of law. They commit to universal access to public services without any discrimination. They further commit to transparency and accountability as integral elements of good governance and institution building.
2. The Parties commit to the transparent and accountable management of human, natural, economic and financial resources for the purposes of equitable benefit sharing and sustainable development.
3. The Parties commit to the creation of an enabling environment for transparency and accountability to thrive in public administration, including enhancing integrity and independence of governance institutions. The Parties shall develop and implement sound public finance management systems compatible with the fundamental principles of effectiveness, transparency and accountability, with a view to protecting public finances and improving the delivery of public services by eliminating administrative bottlenecks and tackling regulatory deficiencies.

4. The Parties shall ensure transparency and accountability in public funding, including financial assistance, and in the delivery of public services. They shall improve revenue collection and tackle tax evasion and avoidance and illicit financial flows. They agree to cooperate in the fight against money laundering and terrorism financing and engage in timely partnership dialogue at bilateral and international levels on matters related to anti-money laundering and terrorism financing.

5. The Parties shall combat corruption at all levels and in all its forms, developing and implementing or maintaining effective, coordinated anti-corruption policies that reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability. They shall adopt legislative and other measures to prevent and prosecute bribery and embezzlement, misappropriation or other diversion of resources by public officials for their direct or indirect benefit, and to recover and return assets obtained through corruption.

6. The Parties recognise and commit themselves to implementing the principles of good governance in the tax area, including the global standards on transparency and exchange of information, fair taxation and the minimum standards against Base Erosion and Profit Shifting (BEPS). They shall promote good governance in tax matters, improve international cooperation in the tax area and facilitate the collection of tax revenues. They shall cooperate to enhance capacity to comply with those principles and standards and reap the benefits of a thriving rules-based financial sector. They agree to engage in timely partnership dialogue at bilateral and international levels on tax matters.

7. The Parties agree that good governance shall underpin their domestic and international policies and constitutes a fundamental element of this Agreement. They also agree that serious cases of corruption, including acts of bribery leading to such corruption, constitute a violation of that element.

ARTICLE 13

Public administration

The Parties, recognising the importance of well-resourced, efficient and effective civil service systems and processes with a strong human resource base, commit to fostering collaboration in this area. They also agree to cooperate with a view to modernising their public administrations and developing an accountable, efficient, transparent and professional civil service. In that regard, efforts shall aim at, *inter alia*, improving organisational efficiency, increasing institutions' effectiveness in service delivery, accelerating the deployment of e-governance and digital services and the digitalisation of public registries, and reinforcing the processes of decentralisation, in accordance with their respective economic and social development strategies.

ARTICLE 14

Statistics

1. The Parties, acknowledging that statistics are crucial for the achievement of sustainable development, shall develop and strengthen their statistical systems, including gathering, processing, quality control and dissemination of statistics, with a view to contributing to the long-term objective of quality, internationally comparable, accessible, timely and reliable disaggregated data, as those are key to inform decision-making in support of their respective social and economic development priorities, as well as to support and monitor progress.
2. The Parties commit to increasing statistical literacy and to promoting the use of data for decision-making by engaging with users in and out of government, and through the use of new technologies and data sources. They shall collaborate in the use of technology for data collection and protection and promote the dissemination of comparable statistics at national and regional levels.
3. The Parties shall ensure the professional independence of their statistical offices.

ARTICLE 15

Personal data

1. The Parties recognise their common interest in protecting every individual's right to privacy with respect to the processing of personal data, as well as the importance of maintaining strong data protection regimes and ensuring their effective enforcement. They shall ensure, *inter alia*, that personal data are processed fairly and in a transparent manner and collected for explicit, specified and legitimate purposes and not processed in a way incompatible with those purposes.

For the purpose of this Article, "processing" means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

2. The Parties shall ensure a high level of protection of every individual's personal data in accordance with existing multilateral standards and international legal instruments and practices. To that end, they shall establish appropriate legal and regulatory regimes and policies, as well as appropriate administrative capacity to implement them, including independent supervisory authorities.

TITLE II

PEACE AND SECURITY

ARTICLE 16

The Parties acknowledge that peace, stability and security, including human security and resilience, are critical for sustainable development and prosperity. There cannot be sustainable development without peace and security, and without inclusive development there cannot be sustainable peace and security. The Parties shall pursue a comprehensive and integrated approach to conflict and crises including situations of fragility, counter the proliferation of weapons of mass destruction, and address all serious crimes of concern to the international community. The Parties shall address new or increasing security threats, including terrorism and its financing, violent extremism, organised crime, the proliferation of weapons of mass destruction, piracy and trafficking in persons, drugs, arms and other illicit goods, and cybercrime and threats to cybersecurity.

ARTICLE 17

Conflicts and crises

1. The Parties shall apply an integrated approach to conflict and crises, including prevention, mediation, resolution and reconciliation efforts as well as crisis management, peacekeeping and peace support. They shall support transitional justice through context-specific measures promoting truth, justice, reparation and guarantees of non-recurrence. They shall contribute to institution- and state-building and human security, paying particular attention to situations of fragility.
2. The Parties shall cooperate to prevent and address the root causes of conflict and instability holistically. They shall pay special attention to the effective governance of natural resources, notably in relation to raw materials, so as to sustainably benefit society as a whole and ensure that illegal exploitation and trade do not contribute to causing and sustaining conflict.
3. The Parties recognise the importance of mutually respectful dialogue and consultation as a means of conflict resolution, involving local authorities and communities, as well as civil society organisations. In that context, they shall act in close cooperation with continental and regional organisations.

4. The Parties shall take all suitable action in a coordinated way to prevent an intensification of violence, to limit its territorial spread, and to facilitate the peaceful settlement of disputes. They shall pay particular attention to ensuring that financial resources are used in accordance with the principles and objectives of this Agreement, and to preventing the diversion of funds for belligerent purposes. The Parties shall also take measures to prevent mercenary activities and to address the problem of child soldiers and shall endeavour to set responsible limits on military expenditure.

5. The Parties shall take all suitable action in post-conflict situations to stabilise the situation during the transition in order to facilitate the return to a non-violent, stable and democratic situation. This may include supporting disarmament and demobilisation as well as the return and sustainable reintegration of former combatants into society. The Parties shall ensure the creation of the necessary links between emergency measures, rehabilitation and longer-term development goals.

6. The Parties shall promote the effective participation of all citizens, including women and young people, in peacebuilding, conflict prevention, mediation, resolution and humanitarian response, as well as in crisis management, peacekeeping and peace support. The Parties consider it important to address the situation of women and girls who are victims of gender-based violence in conflicts, and to address the distinct problem of crime and violence against vulnerable people and persons with disabilities.

ARTICLE 18

Non-proliferation of weapons of mass destruction

1. The Parties acknowledge that the proliferation of weapons of mass destruction (WMD) and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security. The Parties therefore agree to cooperate in, and contribute to, countering the proliferation of WMD and their means of delivery, in full compliance with, and domestic implementation of, their existing obligations under international disarmament and non-proliferation treaties and agreements, as well as other relevant international obligations. The Parties agree that this provision constitutes an essential element of this Agreement.
2. The Parties furthermore agree to cooperate in countering the proliferation of WMD and their means of delivery: first through taking steps to sign, ratify or accede to, as appropriate, and fully implement and comply with all relevant international instruments; second through establishing and maintaining an effective system of export controls, controlling the export as well as the transit of WMD-related goods, including a WMD end-use control on dual-use technologies and containing effective sanctions for breaches of export controls; and third through cooperating in multilateral fora and export control regimes.
3. The Parties agree to establish regular partnership dialogue that will complement and consolidate their cooperation in countering the proliferation of WMD and their means of delivery.

4. The Parties, considering that chemical, biological, radiological and nuclear risks may have a highly disruptive effect on societies and recognising that they may stem from criminal activities, including illicit proliferation, trafficking, terrorism, accidents or natural hazards, such as pandemics, shall cooperate in order to reinforce institutional capacity to mitigate those risks.

ARTICLE 19

Serious crimes of concern to the international community

1. The Parties agree to act together to prevent genocide, crimes against humanity and war crimes by making use of appropriate bilateral and multilateral frameworks, in line with the principle of responsibility to protect.

2. The Parties, reaffirming that the most serious crimes of concern to the international community as a whole must not go unpunished, shall ensure the fair and effective investigation and prosecution thereof by taking measures at national, regional and international levels, as appropriate.

3. The Parties consider that the establishment and effective functioning of the International Criminal Court (ICC) constitutes an important development for international peace and justice. They reiterate their commitment to fully cooperate with national, regional and international criminal justice mechanisms, including the ICC, consistent with the principle of complementarity. They are encouraged to ratify and implement the Rome Statute of the ICC and related instruments, and to further enhance the effectiveness of the ICC. Efforts shall be made to strengthen criminal justice mechanisms at all levels.

ARTICLE 20

Terrorism and violent extremism

1. The Parties, reiterating their firm condemnation of all acts of terrorism and violent extremism and radicalisation, undertake to combat those acts through international cooperation, in accordance with the UN Charter and international law, relevant conventions and instruments. The Parties, recognising that the fight against terrorism, in all its forms and manifestations is a shared priority, shall work together at all levels to prevent and combat terrorism, violent extremism and radicalisation. The Parties, recognising the importance of tackling all factors contributing to violent extremism in all its forms, including religious intolerance, hate speech, xenophobia, racism as well as other forms of intolerance, commit to opposing violent extremism and foster religious tolerance and inter-religious dialogue.
2. The Parties agree that it is essential that the fight against terrorism be conducted with full respect for the rule of law and in full conformity with international law, including international human rights law, international refugee law and international humanitarian law, the principles of the UN Charter, relevant UN Security Council resolutions and statements and relevant international counter-terrorism-related instruments.
3. The Parties shall cooperate in protecting critical infrastructure, addressing terrorism-related challenges affecting borders, as well as strengthening civil aviation security.

ARTICLE 21

Organised crime

1. The Parties, acknowledging the negative political, economic, cultural and social implications of organised criminal activities, shall strengthen cooperation to prevent and combat those activities more effectively. They shall work together under an integrated approach to address root causes and provide alternatives to crime. In that regard, they shall address the links between organised crime and human trafficking and migrant smuggling, the illicit trafficking of weapons, hazardous materials, narcotics and their precursors, wildlife, timber and cultural goods, and other illegal economic and financial activities.

2. The Parties commit to increasing efforts to prevent, combat and eradicate trafficking in persons and to supporting in the drafting and implementation of appropriate legislative and institutional frameworks and strategies, with particular attention to persons in vulnerable situations, including women, children and unaccompanied minors, and to their specific needs. The Parties continue to uphold the standards of the UN Convention against Transnational Organized Crime, done at New York on 15 November 2000, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

3. The Parties shall enhance efforts to recover and return stolen assets and combat all forms of organised crime. In that regard, they shall strengthen legal and administrative frameworks to fight money laundering and illicit financial flows, including fiscal fraud and public procurement fraud, and active and passive corruption in both the private and public sector, which can have a debilitating effect on domestic resource mobilisation.

4. The Parties shall promote citizen security, with a particular focus on strengthening institutions and the rule of law, protecting human rights, and fostering justice and security sector reforms. They shall promote multi-disciplinary programmes aimed at addressing vulnerable groups and supporting victims of violence, including gun violence, as well as mediation and other community-based prevention and reconciliation solutions.

ARTICLE 22

Maritime security

1. The Parties agree to the strengthening of maritime security, in particular addressing different forms of crime committed at sea and illegal trafficking, countering piracy and armed robbery at sea, protecting critical maritime infrastructures, and promoting freedom of navigation and the rule of law at sea, in line with the UN Convention on the Law of the Sea, done at Montego Bay on 10 December 1982 (UNCLOS).

2. The Parties agree to strengthen efforts in the area of maritime law enforcement to tackle maritime threats in countries most affected by crimes committed at sea. They agree to reinforce investigation and prosecution processes as a way of countering crimes committed at sea. They also agree to promote the implementation of piracy prosecution models within the national jurisdiction as a regional criminal justice response and deterrent mechanism against crimes committed at sea such as piracy, armed robbery, marine and water pollution, smuggling of migrants, drugs and arms trafficking and shipping of nuclear waste. The Parties agree to promote regional initiatives in the areas of maritime security, the fight against piracy and protection against marine pollution.

ARTICLE 23

Small arms and light weapons and other conventional weapons

1. The Parties acknowledge that the proliferation of illicit small arms and light weapons poses a grave threat to international peace and security.
2. The Parties agree to reinforce the fight against the illicit trade, excessive accumulation, and uncontrolled spread of small arms, light weapons and other conventional weapons and their ammunitions, including as a consequence of inadequately secured and improperly managed stocks and stockpiles, in line with the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. The Parties agree to promote intelligence-led tracking of trafficking networks to counter more effectively the risk that the large-scale outflows of state stocks continue to pose to regional stability. They shall work towards enhancing national capacities of competent law enforcement units and focal points to collect, seize, trace and analyse illicit firearms and related criminal justice data, to enhance understanding of and monitor illicit trafficking flows, and to support information exchange and international cooperation.

3. The Parties recognise the importance of putting in place controls on the international trade in conventional arms, including their import and export, in line with existing international standards, including the Arms Trade Treaty, done at New York on 2 April 2013, and relevant UN resolutions. They shall endeavour to apply those controls in a responsible manner, as a contribution to international and regional peace, security and stability and to the reduction of human suffering, as well as to the prevention of the diversion of conventional arms to unauthorised actors. The Parties also recognise the importance of domestic regulation of, and controls over, the legal acquisition and possession of firearms, with a view to reducing armed violence.

4. The Parties shall cooperate with a view to clearing mines and explosive remnants of war, including improvised explosive devices.

ARTICLE 24

Illicit drugs

1. The Parties shall endeavour to ensure a comprehensive, balanced, integrated and evidence-based approach towards preventing and addressing the illicit trade in drugs and new psychoactive substances, as well as promoting drug demand reduction. To that end, they shall address risk factors affecting individuals, communities and society, which may include a lack of services, infrastructure needs, drug-related violence, exclusion, marginalisation and social disintegration, in order to contribute to the promotion of peaceful and inclusive societies.

2. The Parties agree that drug policies and actions, including through the involvement of civil society, the scientific community and academia, shall be aimed at reinforcing structures for preventing and effectively addressing illicit drugs, reducing measurably the supply of, trafficking in, and demand for illicit drugs.

3. The Parties shall aim to reduce the adverse consequences of drug use for individuals and society as a whole, as well as to effectively reduce the diversion of and illicit trafficking in scheduled and non-scheduled precursors, including designer precursors.

4. The Parties shall cooperate closely with each other and with relevant international organisations with a view to maintaining coordinated efforts and actions against the illicit drug trade.

ARTICLE 25

Cybersecurity and cybercrime

1. The Parties recognise the importance of an open, secure and stable, accessible and peaceful information and communication technologies (ICT) environment based on the norms, rules and principles for responsible state behaviour and the application of existing international law. To that end, the Parties commit to strengthening cooperation to promote cyber security, to prevent and combat high-technology cyber and electronic crime and social media abuse, and to improve network security through the exchange of best practices that increase cyber resilience, including as regards the protection of critical infrastructure.

2. The Parties acknowledge the need to prevent and tackle cybercrime, including online child sexual exploitation and abuse, by cooperating and exchanging best practices to fight cybercrime offences, building on existing international norms and standards, including those of the Budapest Convention on Cybercrime, done at Budapest on 23 November 2001, and the African Union Convention on Cyber Security and Personal Data Protection, done at Malabo on 27 June 2014.

ARTICLE 26

Law enforcement cooperation

1. The Parties shall facilitate cooperation among regional and international law enforcement authorities, agencies and services with a view to disrupting and dismantling transnational crime and terrorist threats common to them. Such cooperation shall contribute to crime prevention and shall comprise, *inter alia*, exchanges of views on legislative frameworks, as well as administrative and technical assistance aimed at strengthening the institutional and operational capabilities of law enforcement authorities and the exchange of information and measures related to investigations.

2. The Parties, recognising the importance of secure borders, shall strive to manage existing and future challenges affecting borders, pursuing an integrated border management approach. They shall promote legitimate cross-sectoral responses aiming at preventing, detecting and, where appropriate, repressing cross-border crime and other risks.

TITLE III

HUMAN AND SOCIAL DEVELOPMENT

ARTICLE 27

The Parties reaffirm their determination to work together towards sustainable development and poverty eradication in all its forms, to tackle inequalities and to promote social cohesion. They also agree to cooperate to ensure that everyone has the necessary means to enjoy a life of dignity with an adequate standard of living, including through appropriate social protection systems and social services. They shall pay special attention to women and girls, youth, children and the most vulnerable and disadvantaged people, in line with the principles of leaving no one behind, and of reaching the furthest behind first. They also agree to work together to address the challenges and opportunities presented by rapid population growth.

CHAPTER 1

ACCESS TO SOCIAL SERVICES

ARTICLE 28

Education

1. The Parties shall support inclusive lifelong learning and equitable quality education at all levels. They shall work to ensure that all girls and boys complete free, equitable and quality primary and secondary education and have access to quality early childhood development, care and pre-primary education, with due regard to gender gaps. They shall work to ensure equal access for all women and men to affordable quality technical, vocational and tertiary education, including university. Special attention shall be given to investing in science, technology, engineering and mathematics (STEM) and to promoting digital and arts education for all.
2. The Parties shall intensify efforts to ensure that everyone has the knowledge, skills and capabilities to enjoy improved quality of life, to be fully engaged in society, to contribute to the social and economic well-being of their communities, and to participate actively and equitably in democratic and cultural life.

3. The Parties shall promote safe schools and well-functioning education systems, with adequate resources for planning, managing and ensuring the effectiveness of education and training provision, including through online and other non-conventional means. They shall cooperate to establish and strengthen quality assurance systems and the mutual recognition of qualifications. They shall facilitate the mobility of students, staff and academics between and among the African, Caribbean and Pacific countries and the European Union.

ARTICLE 29

Health

1. The Parties recognise that health is central to people's lives and a key indicator of sustainable development. They reaffirm their commitment to protecting and promoting the highest attainable standard of physical and mental health for all.

2. The Parties shall strengthen national health systems with sustainable health financing mechanisms and resources, operational infrastructures, skilled health workforces, including as regards recruitment and retention, and appropriate technologies, such as digital tools, in support of mobile health development.

3. The Parties shall promote universal health coverage, equitable and universal access to comprehensive and quality healthcare services and access to safe, effective, quality and affordable essential medicines and vaccines.

4. The Parties shall cooperate to prevent and address communicable diseases and other major transboundary health threats such as anti-microbial resistance, and to reduce the burden of non-communicable diseases through better prevention and control. They shall cooperate to address global health crises and prevent them from escalating, *inter alia* by supporting early warning systems for a swift exchange of information, preparedness and early action in life-saving humanitarian assistance, and the development of coherent and multi-sectoral plans to enhance the capacity of health systems. They shall support research and development, and the deployment of vaccines, diagnostics and medicines.

5. The Parties shall support universal access to sexual and reproductive health commodities and healthcare services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes.

ARTICLE 30

Food security and improved nutrition

1. The Parties recognise that achieving food security and improved nutrition constitutes a major global challenge in the fight against poverty and growing inequality and therefore agree to address the structural causes thereof, which include conflicts, crises, natural resource degradation and climate change.

2. The Parties shall promote resilient livelihoods, secure access to land, water and other resources, and promote inclusive and sustainable growth in agricultural production and productivity, and efficient value chains.
3. The Parties shall promote actions on adaptation to climate change and variability throughout the food production value chains.
4. The Parties shall aim to provide access for all to affordable, safe, sufficient and nutritious food, to increase the capacity for diversified food production, and to develop food security and nutrition policies and social protection mechanisms for food security and improved nutrition that enhance the resilience of the most vulnerable, particularly in countries facing recurrent crises.
5. The Parties shall strengthen coordinated, accelerated and cross-sectoral efforts to end hunger, address all forms of malnutrition and ensure that famine be avoided in all circumstances.

ARTICLE 31

Water, sanitation services and housing

1. The Parties shall promote universal access to adequate and safe drinking water, including through sustainable and integrated water resources and systems management, as well as through more efficient use of water and water recycling.

2. The Parties shall aim to ensure adequate and equitable access to sanitation services, including waste management and hygiene promotion for all, paying special attention to the needs of women and girls and those in vulnerable situations.

3. The Parties acknowledge that adequate, safe and affordable housing has a transformative impact on vulnerable and marginalised communities, and has significant impacts on people's health and their communities' socio-economic development. The Parties shall work towards ensuring access to adequate, safe and affordable housing for all through the development of policies, strategies, planning and building codes and towards upgrading slums.

4. The Parties shall promote access to affordable, reliable, sustainable and modern energy for all, and well-established energy systems that support, *inter alia*, the water, sanitation services and housing sectors.

CHAPTER 2

INEQUALITY AND SOCIAL COHESION

ARTICLE 32

Social cohesion and protection

1. The Parties shall aim to enhance social cohesion by progressively achieving greater equality and social inclusiveness and by ensuring that human and social development advances in parallel with economic development, leaving no one behind. Special attention shall be paid to those who are in disadvantaged, vulnerable and marginalised situations, including the elderly and orphans, in line with the principles of solidarity and non-discrimination. In particular, they shall promote:

- (a) economic policies oriented to a more inclusive society, allowing for better distribution of income and value created;
- (b) equitable and sound fiscal and wage policies, allowing for better redistribution of wealth, ensuring adequate levels of social expenditure and reducing the informal economy;
- (c) effective social policies and equitable access to social services, social assistance and security, and justice; and

(d) employment policies designed to achieve full and productive employment and decent work for all, including for young people and persons with disabilities, and to achieve equal pay for equal work.

2. The Parties shall promote the development and implementation of policies and systems of social protection and security in order to eradicate poverty and enhance social cohesion. They acknowledge the transformative role in societies of social protection policies and systems, fostering equity, promoting social inclusion and dialogue with social partners, and strengthening inclusive and equitable economic growth. They commit to building progressively universal, nationally owned social protection systems, including the adoption of minimum social protection floors.

3. The Parties shall promote the rights of persons with disabilities to ensure their full inclusion in society and their equal participation in the labour market, taking into account their specific needs. They shall take concrete steps to sign, ratify and fully implement the UN Convention on the Rights of Persons with Disabilities, done at New York on 13 December 2006.

ARTICLE 33

Decent work

1. The Parties reaffirm their commitment to achieving full and productive employment and decent work for all women and men, including for young people and persons with disabilities. To that end, they shall promote the Decent Work Agenda as set out in the 2008 International Labour Organization (ILO) Declaration on Social Justice for a Fair Globalization.

2. The Parties reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up. They reaffirm their commitment to social dialogue and to the promotion and effective implementation of the internationally recognised core labour standards, as defined by the relevant ILO conventions and protocols on the freedom of association and the right to collective bargaining, the abolition of forced labour and ending of modern slavery and human trafficking, the elimination of child labour with priority given to the worst forms, minimum age at work, equal remuneration and non-discrimination in respect of employment. They shall make sustained and continuous efforts to ratify or accede to, as appropriate, those conventions and protocols if they have not yet done so.

3. The Parties shall promote safe and secure working environments for all workers. They shall adopt and implement measures and policies regarding occupational safety and health, both in the formal and informal economy, and shall work towards establishing and maintaining an effective labour inspection system, in line with international labour standards as defined by the ILO.

CHAPTER 3

POPULATION AND DEVELOPMENT

ARTICLE 34

Demography

1. The Parties acknowledge that demographic growth and demographic shifts can have a significant impact on development gains and economic progress, and shall work together towards an integrated approach that minimises the challenges and maximises the benefits of the demographic dividend. To that end, they shall aim to establish, support, maintain and sustain structural reforms and transformations in economic and social systems to create decent education, employment and livelihood opportunities for an emerging young population.
2. The Parties shall support inclusive policy dialogue processes and incorporate demographic trends and projections into all policies in order to empower and promote the full and active participation of children and young people in society, and to empower and safeguard the needs of the elderly and enable their active engagement.

3. The Parties shall enhance urbanisation that is inclusive and sustainable, through effective urban governance and planning, with a view to minimising any adverse impact on the environment and addressing any other negative social and economic consequences caused by rapid population growth in urban areas. They shall work to effectively address the challenges and opportunities presented by rapid urbanisation, including through national urban policies, participatory integrated urban planning, delivery of municipal services including waste management, and financing of urban development and infrastructures, in order to create resilient and liveable cities and towns.

ARTICLE 35

Youth

1. The Parties agree to promote the active participation of young people in society, including in the development, implementation, and follow-up of policies affecting them. This shall include:

- (a) support in acquiring knowledge, skills and capabilities to engage fully in society, including skills relevant to the labour market, through education, vocational and technical training, and access to digital technologies;
- (b) the creation of decent employment opportunities, including through support for youth entrepreneurship; and

(c) the promotion of youth empowerment and responsible citizenship, by opening spaces for active youth participation in political and cultural life, and in building and sustaining peace, including with a view to countering radicalisation and violent extremism.

2. The Parties agree that the provision of a safe and nurturing environment for children is a vital element in fostering a healthy young population, able to reach its full potential, including physical, psychological, social and economic dimensions. They shall work to ensure that girls' and boys' rights and needs are recognised and realised from birth and early childhood to adolescence and their transition into adulthood. They shall work to improve the protection of children and their participation in decisions that concern them.

ARTICLE 36

Gender equality and women and girls' empowerment

1. The Parties acknowledge that gender equality and women's economic empowerment are essential to achieving equitable sustainable development and inclusive growth. They shall undertake reforms, including through the creation and consolidation of legal frameworks, to give women equal rights to economic and financial resources, as well as access to, ownership of and control over land and natural resources, inheritance, and other forms of property. They shall undertake actions to increase the full and effective participation of women in political life.

The Parties shall, in addition to equal access to employment and decent work conditions, promote the recognition of unpaid care and domestic work through the provision of public services, infrastructure and social protection policies, and the promotion of shared responsibilities within the household and the family at large.

2. The Parties commit to the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences and commit to sexual and reproductive health and rights, in that context.

3. The Parties acknowledge that menstrual health management is important for women's and girls' health, as well as for their dignity, mobility and well-being, and they therefore agree to promote adequate and appropriate supporting measures.

CHAPTER 4

CULTURE

ARTICLE 37

Culture and sustainable development

1. The Parties reaffirm that culture is a key element of sustainable development and an integral component of its social, economic and environmental dimensions. They commit to the integration of a cultural perspective in their development policies and strategies, by taking into consideration cultural specificities, and local and indigenous knowledge systems.
2. The Parties shall strengthen the contribution of cultural actors to sustainable development through their participation in enhanced dialogue, professional networks and multi-stakeholder partnerships.

ARTICLE 38

Cultural diversity and mutual understanding

1. The Parties recognise that all human beings have the right to participate freely in the cultural life of the community, in line with the Universal Declaration of Human Rights, and commit to protecting and conserving cultural rights and freedom of artistic expression.

2. The Parties agree to promote a vision of human and social development that incorporates dialogue among cultures and the recognition of cultural diversity as common heritage of humanity. They commit to strengthening mutual understanding and knowledge of their respective cultures, with due respect for diversity, universal values and human rights, by fostering the cultural dimension in education, as well as cultural exchanges and joint initiatives geared towards encouraging intercultural dialogue.

3. The Parties recognise the role that culture plays in the preservation of peace and national cohesion. They affirm that respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding, are key to establishing and maintaining peace and security and in reconciliation processes, as well as restoring the collective memory and the social linkages among communities. They shall strengthen the role of culture in building resilience, as well as achieving sustainable post-crisis recovery and reconstruction, particularly in urban development.

ARTICLE 39

Cultural heritage and creative sectors

1. The Parties shall promote the recognition of heritage as a unifying factor, which may reflect diverse identities and legacies, while nurturing the creation of shared values. They shall work to safeguard, preserve, conserve and develop both tangible and intangible cultural heritage, in accordance with international standards and conventions as a vehicle for social cohesion, creativity and innovation.

2. The Parties agree that the cultural and creative sectors, including contemporary arts, are central to inclusive economic growth, diversification and the creation of job opportunities. To that end, they shall support cultural entrepreneurship and the long-term development of the cultural and creative sectors.

3. The Parties shall take measures, in accordance with existing international law, to prevent and combat the illicit import, export and transfer of ownership of cultural property. They shall promote conservation, capacity building and collaboration among cultural heritage professionals, source communities and cultural institutions, and shall pursue international cooperation and continuous dialogue to promote access to cultural heritage.

TITLE IV

INCLUSIVE, SUSTAINABLE ECONOMIC GROWTH AND DEVELOPMENT

ARTICLE 40

1. The Parties recognise the importance of strengthening their economic relations in their mutual interest and for mutual benefit, with a view to achieving structural economic transformation through inclusive, sustainable economic growth and development in line with the SDGs, taking into account their respective levels of development. They shall pursue integrated strategies that incorporate the economic, social and environmental dimensions of sustainable development. They shall take appropriate measures to generate decent jobs for all and support the transition to low-emission, resource-efficient economies. They shall support the socio-economic empowerment of marginalised groups, women and youth.

2. The Parties shall support private sector development, and shall attract and retain domestic and foreign investment, including investments from their diaspora. They shall bolster trade and cooperate on science, technology, innovation and research with a view to establishing strong, competitive and diversified economies, deepening regional integration, and fostering the integration of OACPS Members' economies into regional and global value chains. They shall work towards improved macroeconomic and financial stability to generate increased investment and strengthen sustainable economic growth. They agree to enhance productive and regulatory capacities, strengthen entrepreneurship and promote manufacturing and industrialisation, focusing on innovation and value addition in the productive and services sectors. The Parties shall cooperate to strengthen capacities to facilitate structural economic transformation and to enhance sustainable trade.

3. The Parties shall promote public-private dialogue focusing on issues that positively impact their efforts on economic transformation and sustainable economic growth, and shall engage with all relevant stakeholders and ensure respect for, and protection of, human rights and core labour standards.

CHAPTER 1

INVESTMENT

ARTICLE 41

Mobilisation of sustainable and responsible investment

1. The Parties undertake to mobilise sustainable and responsible investment with a view to enhancing inclusive and sustainable economic growth and development. To that end, they shall establish a conducive investment climate, which attracts domestic and foreign investment, including investment from their diaspora, and maintains the right to regulate through transparent, predictable and efficient regulatory, administrative and policy frameworks.
2. The Parties agree to support the necessary economic and institutional reforms and policies that are grounded in a country's overall development strategy and that are coherent and synergistic at national, regional and international levels with a view to creating a conducive environment for sustainable investment and facilitating the development of a dynamic, viable and competitive private sector.

3. The Parties shall cooperate to establish sound financial systems to mobilise investment for sustainable projects. They shall take measures to support investment by increasing access to financing through technical assistance, grants, guarantees and innovative financial instruments to mitigate risk, boost investor confidence and leverage private and public sources of finance. In doing so, they shall also take account of the need to address market failures or sub-optimal investment situations while ensuring additionality of investment that would not have taken place without those support measures. They shall pay special attention to the priority sectors set out in Article 44(6).

4. The Parties agree to improve the regulatory environment as well as the quality, availability and accessibility of financial and non-financial services, to support the development of micro, small and medium-sized enterprises (MSMEs) in the context of domestic investment mobilisation.

5. The Parties understand and recognise the importance of responsible investment by the relevant actors as a means to achieving long-term sustainable economic, social and environmental value. In support of that objective, they shall promote corporate social responsibility (CSR) practices and responsible business conduct (RBC), including internationally recognised implementation guidelines, standards and applicable instruments that provide guidance to investors, governments and other actors on implementation of CSR and RBC as a complement to national laws and other applicable legislation.

ARTICLE 42

Investment facilitation and protection

1. The Parties agree to facilitate investment through legislation, regulations and policies aimed at reducing regulatory and administrative barriers, enhancing transparency and avoiding harmful competition for investment. They agree that such measures shall be developed in a transparent manner, and made publicly available to encourage public-private dialogue and provide the opportunity for all stakeholders to participate.
2. The Parties shall cooperate to promote the effective utilisation of digital tools to facilitate investment.
3. The Parties, in line with their respective strategies, agree on the importance of providing legal certainty and adequate protection to established investments, the treatment of which shall be non-discriminatory in nature and shall include effective dispute prevention and resolution mechanisms. In that regard, they reaffirm the importance of concluding international investment agreements that fully preserve their sovereign right to regulate investment for legitimate public policy purposes.
4. The Parties shall strengthen the capacity of relevant public and private institutions to effectively promote and facilitate investment, and to prevent and handle investment-related disputes.

CHAPTER 2

ECONOMIC GROWTH, DIVERSIFICATION AND INDUSTRIALISATION

ARTICLE 43

Inclusive and sustainable growth

1. The Parties agree on the importance of economic transformation, private sector development and industrial advancement for inclusive and sustainable growth. They shall promote full and productive employment and decent work for all through enhanced competitiveness, diversification, digitalisation, innovation, access to finance, value addition in the manufacturing and services sectors, and linkages among sectors and industries. They shall pay particular attention to local MSMEs and to the formalisation of informal economic activities.
2. The Parties shall promote the transition to a low-emission and resource-efficient economy. They shall support sustainable consumption and production approaches, environmentally sound waste- and chemicals-management and measures reducing all forms of pollution. The Parties agree that well-managed urbanisation is a critical element in advancing sustainable economic development. They shall therefore cooperate on effectively addressing the challenges and opportunities presented by rapid urbanisation, and shall support urban development and infrastructures and effective rural-urban linkages.

3. The Parties agree to cooperate in the area of employment and social affairs, in particular to support the economic and social inclusion and empowerment of women, youth and the poorest and most vulnerable. They further agree to ensure respect for labour and social standards enshrined in the conventions and protocols of the ILO and to ensure access to justice under due process, including appropriate and effective remedies.

ARTICLE 44

Economic transformation and industrialisation

1. The Parties shall strengthen cooperation in the area of economic transformation, including industrialisation. They shall promote the transition from commodity dependence to diversified economies and promote beneficiation of natural resources, value addition and integration into regional and global value chains. They agree on the important role that the services sector plays in economic transformation and industrialisation.

2. The Parties shall cooperate to support the development of productive capacities, improved productivity, diversification and competitiveness. They shall endeavour to overcome supply-side constraints through, *inter-alia*, promoting technological innovation and enhancement and its dissemination, improved business and investment climates, strengthened regulatory capacities, macroeconomic stability as well as the development of efficient capital markets and sound financial systems for improved access to finance, particularly for the private sector. To that end, they affirm the importance of the digitalisation of the economy in accelerating productive capacity development. The focus shall be on sectors and industries with high value addition and high potential for decent job creation.

3. The Parties commit to improving macroeconomic and financial stability by pursuing sound and transparent fiscal and monetary policies and to promoting economic and structural reforms so as to create a conducive environment for increased investments and to foster private sector development. The Parties further recognise the importance of the independence of central banks in the setting of their policy objectives and in the conduct of monetary policies. They further agree to maintain dialogue and exchange information between their authorities, as appropriate, to improve the understanding of the fundamentals of the Parties' respective economies.

4. The Parties shall intensify efforts in technical and vocational education and training as well as in research and innovation, and link such measures more effectively to the opportunities and skills needs of the labour market. They shall cooperate to leverage each other's experiences, including in the development of productive capacities through skills development and promotion of technology transfer, fostering linkages between firms of OACPS Members and of the EU Party, with an emphasis on MSMEs.

5. The Parties reaffirm the significant role of infrastructure in addressing supply-side constraints and in the development of competitive regional and sub-regional value chains through the facilitation of the efficient movement of goods, services and capital. They shall cooperate to develop efficient and sustainable infrastructure, including air, land and sea transport, energy, water, and digital connectivity with due regard to the diverse needs of the least developed, landlocked and island economies. Accordingly, they shall cooperate to mobilise public and private resources including through investment for infrastructure development.

6. The Parties, with a commitment to pursue shared economic growth, agree to cooperate, *inter alia*, on the following areas, which shall be regarded as priority sectors: agriculture and agribusiness, livestock and leather, the blue economy, fisheries, mining and extractive industries, cultural and creative industries, sustainable tourism, sustainable energy, ICT and transport. The Parties underscore the significant role of those sectors in value addition, decent job creation, enhancing productive capacities and to the overall efforts on economic transformation. They shall accordingly cooperate to identify the drivers of growth for each sector, to mobilise investment and to address the constraints that undermine the establishment of backward and forward linkages.

7. The Parties shall promote dialogue, stimulate transfer of skills and technology, work to improve value chains, and strengthen cooperation for cross-fertilisation of experiences and dissemination of best practices in the agriculture sector. They shall also cooperate to support mechanisms and frameworks to increase sustainable and quality agricultural production.

ARTICLE 45

Private sector development

1. The Parties, recognising the importance of private sector development for economic transformation and job creation, shall aim to promote entrepreneurship and to develop and improve the competitiveness of enterprises. Particular focus shall be given to MSMEs, including start-ups, particularly through the promotion of enabling legal, administrative and institutional frameworks, with a view to their successful integration into sustainable supply and value chains. Attention shall also be paid to the informal sector and to upgrading informal economic activities into formal ones, and to encouraging the integration of sustainability-related objectives in business models. The Parties further agree to support the development of entrepreneurship among women and youth in the context of their economic empowerment and the promotion of inclusive development. They affirm the importance of building regional and national capacities in order to improve competitiveness in medium and high-tech manufacturing.

2. The Parties shall promote public-private sector dialogue and cooperation, including through private-sector business forums. They shall strengthen cooperation for cross-fertilisation of experiences and dissemination of best practices that foster entrepreneurship, promote business-to-business dialogue and contacts, and stimulate transfers of skills and technology.

3. The Parties agree on the need to set up strategies and to develop better financial inclusion policies and appropriate legislation, and to improve access to finance and to financial and non-financial services, including through innovative financing mechanisms, with particular attention to the provision of affordable credit for family farmers, smallholders, MSMEs, women and youth entrepreneurs.

4. The Parties acknowledge that both public and private sources of finance play a key role in supporting private sector development, particularly through tools and mechanisms such as public-private partnerships (PPP) and blended finance, and in stimulating investment across relevant sectors, including infrastructure development. Accordingly, they shall cooperate to develop transparent and predictable frameworks and strategies for the use of PPPs, including strengthening institutional capabilities to negotiate, implement and monitor projects under a PPP arrangement.

CHAPTER 3

SCIENCE, TECHNOLOGY, INNOVATION AND RESEARCH

ARTICLE 46

Science, technology and innovation

1. The Parties recognise the role of science, technology and innovation (STI) in expanding the frontiers of knowledge, in accelerating transition and leapfrogging towards sustainable development through economic transformation, value-chain addition and inter-firm linkages, in fostering knowledge development and human empowerment, particularly of women and youth, and in supporting decision- and policy-makers in the pursuit of sustainable development.

2. The Parties shall work towards developing knowledge societies. They agree to invest in human capital, promote the adoption of coherent and comprehensive policy and regulatory frameworks, and develop infrastructure connectivity and digital tools.
3. The Parties shall enhance cooperation on the basis of mutual benefit, building on existing mechanisms while exploring new paths in funding STI, subject to appropriate and effective protection of intellectual property rights. They shall promote indigenous, traditional and local knowledge as a tool for bridging knowledge and technology gaps in relevant sectors.
4. The Parties shall encourage investment in the creation, diffusion and transfer of new technologies, with particular attention to clean and innovative technologies that protect the environment. They shall promote renewable energy and cooperate in the development of productive and regulatory capacity.
5. The Parties shall address the potential impact of technologies on society, tackle issues related to cybersecurity and assure protection of personal data, and consider the effects of disruptive technology, including artificial intelligence and robotics.
6. The Parties recognise the role of space as an enabler for social and economic benefits, including in the areas of environment, climate change, ocean governance, transport, energy, agriculture, mining, and forestry. They shall cooperate on matters of common interest in civil space activities such as space research, Global Navigation Satellite Systems applications and services, development of satellite augmentation systems, use of Earth Observation applications and services and Earth Science.

ARTICLE 47

Research and development

1. The Parties agree that research and development is critical in the creation of economic prosperity and opportunities for decent work, and can make a pivotal contribution to achieving the objectives of this Agreement.
2. The Parties shall encourage the generation and dissemination of new knowledge, taking account of its potential impacts, including harmful effects, on the environment and society. They shall support skills enhancement to keep pace with technological advances and innovation, and shall support mobility and training of researchers. They shall promote partnerships between industry, academia and the public sector as well as activities of the private sector aimed at gathering knowledge and testing ideas in order to generate new products with real commercial potential, paying special attention to women and youth as innovators.
3. The Parties shall promote investments in research and development especially in high added-value segments of value chains, and shall endeavour to address societal challenges especially in the areas of environment, climate change, energy, food safety and security, and health.

ARTICLE 48

ICT and the digital economy

1. The Parties shall cooperate to reduce the digital divide by promoting cooperation with regard to the development of the digital society to benefit citizens and businesses through accessibility to digital technologies, including ICT adapted to local circumstances. The Parties shall support measures that enable easy access to ICT through, among others, the use of affordable and renewable energy sources and the development and redeployment of low-cost wireless networks. They shall also work towards greater complementarity and harmonisation of communication systems and their adaptation to new technologies.
2. The Parties agree on the central role of the digital economy as an amplifier and accelerator for change that can drive significant economic diversification, create jobs and enable leapfrog growth. They agree to advance digitalisation with a view to reducing transaction costs and lessening information asymmetries, with the overarching aims of improving productivity and sustainability.
3. The Parties shall promote and support digital entrepreneurship, particularly by women and youth, and the digital transformation of MSMEs. They shall encourage the development of e-commerce to revamp supply chains and expand markets, and encourage the expansion of e-banking, including to reduce costs of remittances, and the deployment of e-governance solutions.
4. The Parties shall cooperate on developing and managing privacy and data protection policies, promoting measures to facilitate data flows, and supporting the regulatory framework to promote the production, sale and delivery of digital products and services.

CHAPTER 4

TRADE COOPERATION

ARTICLE 49

Trade and sustainable development

1. The Parties recognise that social and economic development and environmental protection are interdependent and mutually reinforcing. They reaffirm their commitment, with due regard to their respective levels of development, to enhancing the integration of sustainable development, which consists of economic development, social development and environmental protection, in every aspect of their trade relations in order to promote sustainable growth. To that end, the Parties shall encourage in their trade relationships a high level of environmental, social and labour protection in particular those commitments specified in Article 54, Chapters 1 to 3 of Title V and Chapter 2 of Title III of this Part, to achieve the objectives of the agreed SDGs under the 2030 Agenda. The Parties further agree that environmental and social measures should not be used for protectionist purposes.
2. The Parties agree that it is inappropriate to encourage trade and investment by lowering or offering to lower the level of domestic protection afforded in environmental or labour laws, or their enforcement.

3. The Parties recognise their respective rights to determine sustainable development policy objectives and priorities and establish their own levels of domestic protection in the social, labour and environmental areas, including climate change, as they deem appropriate, provided that the adopted laws and policies are not inconsistent with their commitments to internationally recognised protection standards and relevant agreements.

4. The Parties shall promote trade in products obtained through the sustainable management, conservation and efficient use of natural resources. The Parties shall also cooperate to promote trade and investment in goods and services of particular relevance for climate change mitigation, including in low-carbon manufactured and remanufactured products, renewable energy, and energy-efficient products and services, in accordance with their international commitments.

5. The Parties shall cooperate to promote coherence and mutual supportiveness between trade, labour and environmental policies, and shall strengthen dialogue, and exchange of information and best practices on trade-related aspects of sustainable development, including with the involvement of relevant stakeholders. In that context, they further agree to cooperate to promote corporate social responsibility practices and responsible business conduct, including internationally recognised guidelines, standards and applicable instruments, by incorporating those practices into trade and business activities. In addition, cooperation shall aim to address the challenges and opportunities posed by the trade-related aspects of private and public voluntary sustainable assurance schemes linked, *inter alia*, to labour, the environment, conservation of biodiversity, sustainable use and management of forest resources and sustainable fishing practices and trade in sustainably managed fishery products.

6. The Parties agree to maintain or establish, where appropriate, systems to support and monitor the effective implementation of the internationally recognised social, labour and environmental standards and relevant agreements, in the context of their trade relations, including by strengthening institutional capacities to adopt and enforce relevant legislation.

ARTICLE 50

Trade arrangements

1. The Parties recognise the importance of building on the achievements of the Cotonou Agreement in the context of their trade relations. They underline the significance of trade in their overall relations and undertake to promote the intensification and diversification of trade flows to their mutual benefit, in particular with a view to the integration of OACPS Members' economies into the regional and global value chains.

2. The Parties agree that trade cooperation shall be conducted in accordance with the rules-based multilateral trading system with a view to enhancing free, fair, and open trade for achieving sustainable growth and development, especially in OACPS Members. To that end, cooperation shall be in compliance with the obligations assumed by the Parties within the World Trade Organization (WTO) framework, including provisions for special and differential treatment.

3. The Parties acknowledge the importance of concluding trade arrangements, to achieve greater trade opportunities and foster their effective integration into the global economy. The Parties recognise their respective right to enter into regional or multilateral arrangements for reduction or elimination of non-tariff measures affecting trade in goods and services. The Parties further endeavour to limit possible negative impacts of their respective trade arrangements with third parties on the competitive positions that each Party enjoys in the others' home markets.

4. The Parties, bearing in mind the need for building on their existing preferential trade arrangements and Economic Partnership Agreements (EPAs) as instruments of their trade cooperation, recognise that cooperation shall primarily be strengthened to support concrete implementation of those existing instruments.

5. The Parties further agree that the EPA framework shall be inclusive and take into account the heterogeneity of situations in OACPS Members and regions at various stages of the EPA process and the level of development of the OACPS Members. The signatories to the EPAs reaffirm their commitments to take all necessary measures to ensure their full implementation, which should be conducive to their economic growth and development while contributing to the deepening of the regional integration processes within Africa, the Caribbean and the Pacific (ACP). The Parties recognise the importance of broadening the scope of EPAs and encouraging the accession of new Member States. The Parties agree to maintain or establish, at the appropriate levels, ACP-EU arrangements to monitor implementation of EPAs and assess their impact on the development of OACPS Members' economies across ACP regions and on their regional integration processes.

6. The Parties to the respective EPAs agree that the references contained therein to the provisions on appropriate measures in the Cotonou Agreement are understood as references to the corresponding provisions in this Agreement.

7. The Parties further agree that their cooperation shall contribute to intensifying regional integration efforts and processes within Africa, the Caribbean and the Pacific and to further encouraging intra-ACP regional trade.

8. The Parties underline the importance of their active participation in the WTO as well as in other relevant international organisations by becoming members of those organisations and closely following their agenda and activities. They agree to cooperate closely in identifying and furthering their common interests in international economic and trade cooperation, in particular in the WTO. In this context, particular attention shall be paid to improving access to the European Union and other markets for goods and services originating in the OACPS Members.

9. The Parties agree on the importance of flexibility in WTO rules to take account of the different levels of development of the ACP countries and regions as well as the difficulties faced in meeting their obligations. They therefore further agree to cooperate to develop the necessary and appropriate capacity to effectively implement their WTO commitments. The Parties also recognise the innovative approach to special and differential treatment inherent in the WTO Trade Facilitation Agreement (TFA) that enables LDCs and developing countries to fully implement their commitments contingent on the delivery of the requisite trade support in conformity with their implementation notifications under the TFA.

10. The Parties recognise the importance of enhancing dialogue to address trade and trade-related issues of common interest. They agree to promote the involvement of civil society and the private sector in that dialogue.

ARTICLE 51

Trade in services

1. The Parties agree that trade in services is a powerful engine for the growth and development of their economies and further reaffirm their respective rights and obligations under the WTO General Agreement on Trade in Services (GATS).

2. The Parties commit to cooperating in and enhancing trade in services, especially in modes of supply of export interest to them, including the movement of natural persons for business purposes, and in sectors that they consider as priorities, including the ICT sector, tourism, transport, environmental services, financial services, and sporting services and other priority sectors as appropriate.

3. The Parties, taking into consideration Article 39(2), shall cooperate to strengthen capacity in the supply of services related to cultural and creative industries.

4. The Parties shall cooperate to address barriers to trade in services with a view to facilitating access to markets and enhancing trade. They further agree to strengthen their cooperation to support the development of domestic regulatory frameworks and capacities, improve the ability of service providers to comply with the EU Party and OACPS Members' regulations and standards at continental, regional, national, and sub-national levels, and encourage the establishment of mutual recognition agreements, where appropriate, in the service sectors of mutual interest referred to in paragraph 2.

5. The Parties acknowledge the importance of cost-effective and efficient maritime transport services as the main mode of transportation facilitating trade. The Parties shall improve the competitiveness of maritime transport services by strengthening connectivity to improve the safe flow of goods and people in the maritime transport sector. To that end, they shall cooperate in the appropriate forums to liberalise maritime transport as the main mode of transportation to facilitate trade. They shall enable access to the international maritime transport markets and to ports and services at the ports, on a non-discriminatory and commercial basis. The Parties shall cooperate in efforts to develop and promote cost-effective and efficient maritime transport services in the OACPS Members with a view to increasing the participation of OACPS Members' operators in international shipping services.

ARTICLE 52

Trade-related areas

1. The Parties acknowledge the growing importance of non-tariff measures (NTMs) in trade as tariff barriers fall. They therefore recognise the need for cooperation with a view to monitoring and removing unnecessary obstacles to trade, thereby increasing and facilitating trade between the EU Party and OACPS Members and among OACPS Members. In this respect, the Parties agree to maintain or establish, where appropriate, arrangements to address NTMs that may negatively affect exports to the other side's market.

2. The Parties agree to enhance their cooperation in the field of standardisation and certification of goods to prevent, identify and eliminate unnecessary technical barriers to trade within the scope of the WTO Agreement on Technical Barriers to Trade (the "TBT Agreement") and shall endeavour to build on it by increasing and strengthening transparency. The Parties further agree to cooperate to establish and enhance technical capabilities and institutional infrastructure on matters concerning technical barriers to trade.

3. The Parties reaffirm the rights of each Party to adopt or enforce sanitary and phytosanitary (SPS) measures to protect human, animal or plant life or health in its territory, while ensuring that such SPS measures adopted by each Party do not create unnecessary obstacles to trade, pursuant to the WTO Agreement on the Application of Sanitary and Phytosanitary measures (the "SPS Agreement"). To that end, the Parties agree to enhance their collaboration for the effective implementation of the principles and disciplines of the SPS Agreement while taking account of their respective levels of development. In that context, the Parties shall cooperate to address sanitary and phytosanitary issues, including management of anti-microbial resistance, and animal welfare matters, in order to strengthen the Parties' capacities and improve access to the other Party's markets while safeguarding the appropriate level of protection of humans, animals and plants.

4. The Parties acknowledge that the intellectual property system is intended to promote economic, social and cultural progress by stimulating creative work and technological innovation, especially between the EU Party and the ACP regions, while contributing to a more sustainable and inclusive economy. In that context, the Parties reaffirm the importance of the protection and enforcement of intellectual property rights, as stated in Article 7 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (the "TRIPS Agreement"), which should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations. The Parties recognise the need to protect intellectual property rights, including copyright and related rights, trademarks, geographical indications, industrial designs, topographies of integrated circuits, plant variety rights and patents. That protection shall also include protection against unfair competition and protection of undisclosed information. The Parties underline the importance, in this context, of adherence to the TRIPS Agreement, the Convention on Biological Diversity, done at Rio de Janeiro on 5 June 1992, and the conventions referred to in Part I of the TRIPS Agreement, in line with their level of development. The Parties further underline the importance of cooperation and technical assistance in the field of intellectual property for the measures, procedures and remedies necessary to ensure the enforcement of intellectual property rights with a view to achieving an effective level of protection, especially in the OACPS Members.

5. The Parties reaffirm that the introduction and implementation of effective and sound competition policies and rules are of crucial importance in order to improve and secure an investment-friendly climate, a sustainable industrialisation process and transparency in the access to markets. They therefore undertake to implement national or regional rules and policies to effectively tackle anti-competitive business practices, including subsidies related to economic activities granted by the Parties, which have the potential to distort the proper functioning of markets and to negatively affect the other Parties' trade interests. The Parties undertake to ensure a level playing field between public and private market participants. They also agree to reinforce cooperation in this area with a view to formulating and supporting effective competition policies with the appropriate national and regional authorities that progressively ensure the efficient enforcement of competition rules. In that context, the Parties agree to cooperate to develop the adequate capacities with a view to establishing the appropriate legal framework for competition protection and its enforcement through appropriate competition agencies, in particular in the territory of the OACPS Members.

6. The Parties agree to increase cooperation to ensure better operation of international commodity markets and market transparency.

7. The Parties recognise the importance of transparent public procurement to promote economic development and industrialisation. The Parties agree on the importance of cooperation to enhance the mutual understanding of their respective public procurement systems. The Parties commit to the principles of, and shall cooperate on, the transparency, competitiveness and predictability of procurement systems.

ARTICLE 53

Trade facilitation

The Parties recognise the importance of reducing trade costs to achieve inclusive and sustainable growth in their economies. They shall therefore cooperate to simplify import, export, transit and other customs procedures, including digitalisation of customs and clearance procedures, as well as to increase the transparency of customs and trade regulations and facilitate legitimate trade, building on their respective commitments under the TFA. In line with the TFA, the OACPS Members require adequate and predictable technical assistance to build their capacities to implement this Agreement fully. The Parties further commit to providing that assistance based on the implementation needs of the OACPS Members, as notified under the TFA.

TITLE V

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

ARTICLE 54

1. The Parties agree that environmental degradation, unsustainable use of natural resources and climate change pose a serious threat to the attainment of sustainable development and place at risk the lives, quality of life and livelihoods of current and future generations. In that regard, the Parties reaffirm the need for a high level of environmental protection and effective conservation and sustainable management of natural resources, including biological diversity. They also reaffirm the need to agree on ambitious action to manage and reduce the negative effects of climate change and to set their economies on sustainable, resilient low-carbon growth paths, while contributing to the creation of decent jobs for all.

2. The Parties shall mainstream environmental sustainability, the fight against climate change and the pursuit of environmentally sustainable growth into all policies, plans and investments. They shall endeavour to build effective alliances in international settings on relevant issues with a view to driving global action forward and ensuring constructive engagement with local authorities, civil society and the private sector. The Parties shall effectively implement the multilateral environmental agreements to which they are parties.

3. The Parties shall seek to build and strengthen resilience, particularly of vulnerable populations, in the face of environmental and climate change-related challenges, and of natural and man-made disasters.

4. The Parties, in promoting environmental sustainability, tackling climate change and natural disasters, shall take into account: (i) the vulnerability of SIDS, LDCs, landlocked developing countries (LLDCs) and coastal populations including their efforts to adapt, especially to the threat posed by climate change and the depletion of natural resources; (ii) the exposure and vulnerability of countries to worsening droughts, floods, coastal erosion, water scarcity, land and forest degradation, biodiversity loss, deforestation and desertification problems; (iii) the need to minimise, avert and address loss and damage associated with the adverse effects of climate change, including slow onset events such as sea-level rise; (iv) the links between climate change strategies and disaster risk reduction, resilience and food security; (v) the crucial role of natural ecosystems for ensuring food security and nutrition, and fighting climate change; (vi) the nexus between environmental degradation and climate change with displacement and migration; and (vii) the negative impact of climate change and environmental degradation on peace and security.

CHAPTER 1

ENVIRONMENTAL SUSTAINABILITY

ARTICLE 55

Environment and natural resources

1. The Parties shall work towards preserving, protecting, improving and rehabilitating the environment. To that end, they shall promote measures at national, regional and global level, including in the areas of high biodiversity value and protection of natural ecosystems, air quality, water quality, water scarcity and droughts, waste management, industrial pollution and industrial hazards and chemicals management.
2. The Parties shall support the conservation and sustainable management and use of natural resources, including land, water, forest, biodiversity and ecosystems. They shall promote action to end trafficking of protected species of flora and fauna, and address both the demand for, and supply of, illegal wildlife products. They shall promote the sustainable governance of tenure of land, fisheries and forests.

3. The Parties shall promote legal instruments, integrated environment and development strategies, and good governance for the integration of biodiversity considerations in all relevant sectors in order to halt biodiversity loss and maintain the delivery of ecosystem services. The Parties shall promote ecosystem-based approaches and nature-based solutions to achieve environmental objectives. They recognise the importance of ecosystems and biodiversity for addressing climate change and for the conservation and restoration of all ecosystems, including aquatic and terrestrial ecosystems. They shall also establish, manage and improve the governance of protected areas.

4. The Parties recognise that natural ecosystems, in particular forests, offer habitats for animals and plants, and play a major role in mitigating and adapting to climate change, in biodiversity conservation and in preventing and combating desertification and land degradation. The Parties also recognise that forests, wetlands and savannahs provide water and soil protection and protection from natural hazards, and deliver other environmental services. Taking into account the above, the Parties shall promote the conservation and restoration of all ecosystems, including forests.

5. The Parties shall pursue the fight against desertification, land degradation and drought, and shall strive to restore and rehabilitate degraded land and soil to bring about sustainable land management and achieve a land degradation-neutral environment. They shall reduce biodiversity loss, create employment opportunities and help enhance the provision of ecosystem services and functions, including by enhancing drought risk preparedness and resilience, as well as further reducing risks and the impact of sand and dust storms.

6. The Parties shall promote fair and equitable access and benefit sharing arising from the utilisation of genetic resources and appropriate access to such resources, as internationally agreed.

7. The Parties shall support the promotion of circular economy approaches and sustainable consumption and production practices, and endeavour to make use of the investment opportunities offered by the best available clean technologies.

CHAPTER 2

OCEANS, SEAS AND MARINE RESOURCES

ARTICLE 56

Ocean governance

1. The Parties recognise the increasing human pressures and their cumulative impacts on seas and oceans, and acknowledge their nature as an interconnected common good whose conservation, protection and governance is a shared responsibility that requires the collective and coordinated actions of stakeholders. The Parties reaffirm the universal and unified character of UNCLOS as the basis for national, regional and global action and cooperation in the marine and maritime sectors.
2. The Parties shall strengthen ocean governance and effectively address the increasing pressures on seas and oceans, which threaten marine ecosystems' resilience and their contribution to climate change mitigation and adaptation.

3. The Parties shall promote and improve the protection and restoration of marine ecosystems and the conservation and sustainable management of marine resources, including in areas beyond their respective jurisdiction, with a view to achieving healthy and productive oceans. They shall promote sustainable fisheries management at national, regional and global levels, by cooperating with relevant regional fisheries management organisations and by combating illegal, unreported and unregulated fishing. The Parties shall promote the conservation of endangered aquatic species and actions to control pollution and marine litter as well as address the impacts of climate change, including ocean acidification.

4. The Parties shall promote the sustainable development of a blue economy with the aim of securing the oceans' contribution to food security and nutrition, improving livelihoods, creating job opportunities, and ensuring social equity and cultural well-being for current and future generations.

5. The Parties shall support the implementation of blue growth policies and strategies to promote an integrated ocean management that restores, protects and maintains the diversity, productivity, resilience, core functions and intrinsic value of marine ecosystems.

6. The Parties shall promote dialogue and cooperation on all aspects of ocean governance, including on matters related to climate change, sea-level rise and its possible effects and implications, seabed mining, fisheries, marine pollution and research and development.

CHAPTER 3

CLIMATE CHANGE

ARTICLE 57

Climate commitments

1. The Parties acknowledge that the adverse impacts of climate change and climate variability pose a threat to the lives and livelihoods of people. They confirm their commitment to take urgent action to prevent climate change, to address its impacts and to cooperate in an urgent and coordinated manner at international, regional, inter-regional and national levels in order to strengthen the global response to climate change.
2. The Parties shall effectively implement the United Nations Framework Convention on Climate Change, done at New York on 9 May 1992, and the Paris Agreement.
3. The Parties are committed to meeting the overall goal of holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, enhancing the ability to adapt, reducing vulnerabilities and strengthening resilience, making all investments and financial flows consistent with the Paris Agreement.

ARTICLE 58

Climate action

1. The Parties agree to undertake climate action to address adaptation, mitigation, as well as means of implementation and to be focused on the most vulnerable countries, including SIDS, low-lying coastal states, LDCs and LLDCs.
2. The Parties agree to implement and track progress towards their nationally determined contributions (NDCs) and to strive to formulate and communicate mid-century, long-term low greenhouse gas emission development strategies in order to achieve the temperature goal agreed in the Paris Agreement, while taking into account their common but differentiated responsibilities and respective capabilities, in the light of different national circumstances. They commit to enhancing the linkages between NDCs, the 2030 Agenda and their national strategies.
3. The Parties agree to engage in adaptation planning, implementation and monitor progress in the implementation of national adaptation plans (NAPs) and other strategies. They commit to setting up and strengthening effective governance structures for that purpose. They recognise the need to further strengthen the integration of NAPs and other adaptation strategies into national strategies and processes in order to achieve climate-resilient sustainable development.

ARTICLE 59

Climate change and security

The Parties shall address the security threat that climate change and environmental degradation pose, particularly in situations of fragility and on the most vulnerable countries. The Parties shall develop resilience strategies taking into account the security threat.

CHAPTER 4

NATURAL DISASTERS

ARTICLE 60

Disaster risk reduction and management

1. The Parties recognise the negative impacts on sustainable development of natural disasters, including tsunamis, earthquake and volcanic eruptions, as well as the increasing frequency and intensity of climate-related phenomena such as cyclones and hurricanes, flooding and droughts.

2. The Parties shall promote coherent policies and strategies at all levels to identify vulnerabilities and other drivers of risk. They shall cooperate to enhance disaster resilience to the short and long-term impacts of disasters and pay particular attention to coordination, complementarity and synergies between disaster risk reduction and climate change adaptation strategies. The Parties shall undertake early warning and preventive action and improve risk reduction and preparedness by strengthening grassroots-level communication and risk governance and by effectively integrating disaster risk reduction into development strategies.
3. The Parties shall systematically integrate comprehensive risk assessment, management and resilience into their action, ensuring that individuals, communities, institutions and countries can better prepare for, withstand, adapt to and quickly recover from shocks and aftershocks, including when impacts exceed best efforts to adapt, without compromising long-term development prospects.
4. The Parties shall address disaster risks taking an integrated multi-hazard approach, covering the understanding of disaster risk, the strengthening of its governance, and building institutional capacities for effective implementation of risk-informed investments. They shall ensure inclusive and equitable outcomes to build the resilience of the most vulnerable.
5. The Parties shall develop strategies to strengthen urban and rural resilience with a view to improving disaster risk management, with particular attention to unplanned settlements.

ARTICLE 61

Disaster response and recovery

1. The Parties agree that early and coordinated response to natural disasters is critical for rehabilitation and post-disaster recovery. The Parties agree on the importance of coordinated needs assessments, enhanced disaster preparedness and capacity for local, early and effective responses that meet the needs of crisis-affected people, including through effective communication strategies.
2. The Parties agree that disaster response and recovery efforts shall prioritise, in the short term, emergency assistance and rehabilitation, including support for early recovery. They agree that post-emergency assistance shall aim at linking the short-term relief with longer-term development through a sustainable recovery process, building back better, including reconstruction efforts and the rehabilitation of the social-economic and cultural fabric. This entails enhanced coordination between humanitarian and development stakeholders from the onset of the crisis to properly build resilience of affected populations.

TITLE VI

MIGRATION AND MOBILITY

ARTICLE 62

The Parties reaffirm their commitment to enhancing cooperation on migration and mobility, guided by the principles of solidarity, partnership and shared responsibility. They shall adopt a comprehensive, coherent, pragmatic and balanced approach, in full respect of international law, including international human rights law and, where applicable, international refugee law and international humanitarian law, and the principle of sovereignty taking into account their respective competences. They recognise that migration and mobility can have positive impacts on sustainable development when well managed and acknowledge the need to address the negative impacts irregular migration can have on countries of origin, transit and destination. The Parties agree to work on enhancing capacities with the aim of efficient and effective management of migration in all its aspects. They reiterate their commitment to ensuring respect for the dignity of all refugees and migrants and protection of their human rights. The Parties shall address all relevant aspects of migration and mobility referred to in this Title in their regular partnership dialogue.

CHAPTER 1

LEGAL MIGRATION AND MOBILITY

ARTICLE 63

Legal migration and mobility

1. The Parties shall seek to reap the dividends of safe, orderly and regular migration and mobility, in full respect of international law and in accordance with their respective competences. In that regard, they shall work to develop and use legal pathways for migration, including labour migration and other mobility schemes, taking into account national priorities and labour market needs.
2. The Parties shall work to implement transparent and effective requirements for admission and residence for the purpose of work, research, studies, training and voluntary service, with a view to facilitating circular migration and mobility. The Parties shall strengthen transparency of information regarding applicable migration rules.
3. The Parties shall consider circular migration as a means to foster growth and development in countries of origin and destination. To that end, they shall consider schemes for circular migration, and shall implement and improve, as appropriate, the legal frameworks for facilitating the re-entry procedures of nationals of a Member State of the European Union or of an OACPS Member who reside legally in the territories of the OACPS Members or the Member States of the European Union, respectively, and consider aspects of their reintegration in the countries of origin to ensure that their gained experience or qualifications can benefit the local labour market and community.

4. The Parties shall dialogue on procedures guiding legal migration, including family reunification and, as appropriate, portability of pension rights. The Parties shall further pursue an open exchange on visa issues and on the facilitation of mobility and people-to-people contacts, including in areas such as tourism, culture, sports, education, research, and business, with a view to fostering mutual understanding and promoting shared values.
5. The Parties shall promote cooperation between relevant agencies and institutions, local authorities, civil society and social partners, with a view to encouraging joint research projects, identification of skills gaps as well as investment and job opportunities and the evaluation of labour migration policies and strategies.
6. The Parties shall cooperate to improve transparency and comparability of all qualifications, with the aim of facilitating their recognition for access to further learning as well as their acceptance in the labour market.
7. The Parties shall cooperate to improve and modernise civil status registry systems, with a view to enhancing the security and issuance of identity cards and passports.

ARTICLE 64

Integration and non-discrimination

1. The Parties shall pursue efforts to adopt effective integration policies for those who reside legally in their territories which are aimed at granting rights and imposing obligations comparable to those of their citizens and to promote social cohesion. In that respect, the Parties shall support the development and implementation of strategies to integrate nationals of a Member State of the European Union or of an OACPS Member who reside legally in the territories of the OACPS Members or the Member States of the European Union, respectively, into labour markets and host societies, supporting and strengthening cooperation and coordination of various actors working on integration at national, regional and local levels, including local government and civil society.

2. The Parties agree to ensure fair treatment of nationals of a Member State of the European Union or of an OACPS Member who reside legally in the territories of the OACPS Members or the Member States of the European Union, respectively, enhancement of non-discrimination in economic, social and cultural life, as well as the development of measures against racism and xenophobia.

3. The Parties agree that the treatment accorded to nationals of a Member State of the European Union or of an OACPS Member who reside legally in the territories of the OACPS Members or the Member States of the European Union, respectively, shall be free from any discrimination based on nationality as regards working conditions, remuneration and dismissal, in relation to the own nationals of each Member State of the European Union and the OACPS Member, respectively. To that end, the Parties shall cooperate to ensure that migration rules and recruitment mechanisms are guided by fair and ethical principles that ensure that all nationals of a Member State of the European Union or of an OACPS Member who reside legally in the territories of the OACPS Members or the Member States of the European Union, respectively, are treated fairly and with dignity in the host countries and are protected against exploitation.

CHAPTER 2

MIGRATION AND DEVELOPMENT

ARTICLE 65

Migration and development

The Parties agree that well-managed migration can be a source of prosperity, innovation and sustainable development and further agree to cooperate and support countries of origin, *inter alia* by boosting growth and employment opportunities, promoting investment, private sector development, trade and innovation, education and vocational training, health, social protection and security, especially for youth and women. The Parties shall cooperate to create conditions that would limit the negative impact of the loss of skills on the development of countries of origin.

ARTICLE 66

Diaspora and development

The Parties acknowledge the meaningful role of diasporas and the different forms of contributions that diaspora members make to the development of their countries of origin, including through finance, investment, transfer of knowledge, expertise and technology, cultural linkages, networks and mechanisms, as well as in national reconciliation processes.

ARTICLE 67

Remittances

1. The Parties shall seek to promote cheaper, more secure, faster and legally compliant transfer of remittances, so as to facilitate productive domestic investments, including through the use of new technologies and innovative instruments.
2. The Parties shall cooperate to reduce the transaction costs of remittances to less than 3 % and to eliminate remittances corridors with costs higher than 5 %, in accordance with internationally agreed targets, and to improve regulatory frameworks for enhanced involvement of non-traditional players.

ARTICLE 68

South-south migration

1. The Parties acknowledge the relevance of south-south migration in terms of both challenges and opportunities, including the potential benefits of well-managed south-south migration for the sustainable development of origin, transit and destination countries. To that end, the Parties shall support policies and actions to promote economic and social development in origin, transit and destination countries.

2. The Parties shall exchange experience and best practices on mitigating the social and economic impact of south-south migration flows on countries of origin, transit and destination, and shall enhance cooperation at national and regional levels.

ARTICLE 69

Natural disasters, climate change and environmental degradation

1. The Parties shall take into account the nexus between migration, including displacement, and natural disasters, climate change and environmental degradation.

2. The Parties shall take action to address the needs of displaced persons by adopting strategies towards mitigation, adaptation and resilience to natural disasters, the adverse effects of climate change and environmental degradation, at all relevant levels, including inter-regional levels.

CHAPTER 3

IRREGULAR MIGRATION

ARTICLE 70

Root causes of irregular migration

1. The Parties confirm the shared political commitment to address the root causes of irregular migration and forced displacement and to develop adequate responses thereto.
2. The Parties reaffirm their determination to stem the flows of irregular migration, in full respect of international law and human rights. In that regard, they acknowledge the negative impacts of irregular migration on countries of origin, transit and destination, including related humanitarian and security challenges. The Parties acknowledge the increased risk of migrants experiencing human rights violations and becoming victims of trafficking and abuse and agree to implement measures to protect those migrants from all forms of exploitation and abuse.

ARTICLE 71

Smuggling of migrants

1. The Parties shall increase joint efforts to prevent cross-border crime of migrant smuggling, and jointly enhance efforts to end the impunity of criminal organisations through effective investigation and prosecution.
2. The Parties shall ensure that appropriate legislative and institutional frameworks are in place, in line with the UN Convention against Transnational Organized Crime, in particular its Protocol against the Smuggling of Migrants by Land, Sea and Air. They also commit to improving information sharing and to fostering operational, police and judicial cooperation.

ARTICLE 72

Trafficking in persons

The Parties shall combat trafficking in persons in line with the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Parties shall also enhance prevention, including by countering the impunity of all perpetrators, and ensure that all victims have access to the rights they are entitled to, taking into account in particular the vulnerability of women and children.

ARTICLE 73

Integrated border management

The Parties shall promote and support integrated border management, including border control, information and intelligence gathering and sharing, and the prevention of the production and use of fraudulent documentation, as well as operational, police and judicial cooperation on investigations and criminal prosecutions.

CHAPTER 4

RETURN, READMISSION AND REINTEGRATION

ARTICLE 74

Return and readmission

1. The Parties reaffirm their right to return illegally staying migrants and reaffirm the legal obligation of each Member State of the European Union and each OACPS Member to readmit their own nationals illegally present on the territories of the OACPS Members or the Member States of the European Union, respectively, without conditionality and without further formalities other than the verification provided for in paragraph 3. To that end, the Parties shall cooperate on return and readmission and shall ensure that the rights and dignity of individuals are fully protected and respected, including in any procedure initiated to return illegally staying migrants to their countries of origin.

2. Each Member State of the European Union shall accept the return of and readmission of any of its nationals who is illegally present on the territory of an OACPS Member, at that State's request without further formalities than the verification provided for in paragraph 3 for those persons who do not hold a valid travel document.

Each OACPS Member shall accept the return and the readmission of any of its nationals who is illegally present on the territory of a Member State of the European Union, at that Member State's request without further formalities than the verification provided for in paragraph 3 for those persons who do not hold a valid travel document.

In respect of the Member States of the European Union, the obligations set out in this paragraph apply only with regard to persons who hold the nationality of a Member State of the European Union. In respect of the OACPS Members, the obligations set out in this paragraph apply only with regard to persons who are considered as their nationals in accordance with their respective legal system.

3. The Member States of the European Union and the OACPS Members shall respond swiftly to readmission requests of each other. They shall carry out verification processes using the most appropriate and most efficient identification procedures with a view to ascertaining the nationality of the person concerned and to issue appropriate travel documents for return purposes, as set out in Annex I. Nothing in that Annex shall prevent the return of a person under formal or informal arrangements between the State to which a readmission request is submitted and the State submitting a readmission request.

4. Notwithstanding the procedures provided for in Article 101(5), if a Party considers that another Party has failed to respect the time limit referred to in Annex I in line with Standard 5.26 of Chapter 5 of Annex 9 to the Convention on International Civil Aviation, it shall notify the other Party accordingly. If that other Party continues to fail to comply with those obligations, the notifying Party may take proportionate measures starting as from 30 days of the notification.

5. The Parties agree to monitor the implementation of these commitments in the framework of the regular partnership dialogue.

ARTICLE 75

Reintegration

The Parties shall explore ways to cooperate in order to promote voluntary return and to facilitate sustainable reintegration of returned persons including, where relevant, through sustainable reintegration programmes. Particular attention shall be paid to the needs of returning persons in vulnerable situations, such as children, older persons, persons with disabilities and victims of trafficking.

CHAPTER 5

PROTECTION AND ASYLUM

ARTICLE 76

Refugees and other displaced persons

1. The Parties are committed to reinforcing the protection and dignity of refugees and other displaced persons in accordance with international law and international human rights law, including the principle of non-refoulement, and, where applicable, international refugee law and international humanitarian law.
2. The Parties shall support the integration of refugees and other displaced persons in host countries as appropriate and strengthen the capacities of first asylum, transit and destination countries. The Parties shall cooperate to provide refugees and displaced persons in transit and host countries with security in refugee camps, and access to justice, legal assistance, witness protection, medical and socio-psychological support.
3. The Parties shall pay particular attention to persons in vulnerable situations and to their specific needs, including women, children and unaccompanied minors, taking into account the principle of the best interests of the child.

PART III

GLOBAL ALLIANCES AND INTERNATIONAL COOPERATION

ARTICLE 77

The Parties reaffirm the importance of cooperating at the international level with a view to promoting and defending their common interests and preserving and strengthening multilateralism. They commit to joining forces for a more peaceful, cooperative and just world which rests solidly on the common values of peace, democracy, human rights, the rule of law, gender equality, sustainable development, preservation of the environment and the fight against climate change. They agree on the importance of building and reinforcing global alliances to achieve an effective multilateral system that delivers results in tackling global challenges for a safer and better world for all.

ARTICLE 78

Multilateralism and global governance

1. The Parties are committed to the rules-based international order with multilateralism as its key principle and the UN at its core. They shall promote international dialogue and seek multilateral solutions to drive global action forward.

2. The Parties shall take the necessary steps for the ratification of or accession to, as appropriate, the implementation and the domestication of relevant international treaties and conventions.

3. The Parties shall endeavour to strengthen global governance and to support necessary reforms and the modernisation of multilateral institutions to make them more representative, responsive, effective, efficient, inclusive, transparent, democratic and accountable.

4. The Parties shall deepen their multi-stakeholder approach to multilateralism by more effectively engaging civil society, the private sector and social partners in developing responses to global challenges.

ARTICLE 79

Cooperation in international organisations and forums

1. The Parties shall strive to adopt joint resolutions, declarations and statements, to coordinate positions and, where appropriate, voting, and to take joint actions based on a commonality of interests, mutual respect and equality, so as to ensure enhanced presence and a stronger voice in international and regional organisations and forums.

2. The Parties shall establish appropriate operational modalities for effective cooperation and coordination at the international level, including through convening ministerial meetings at OACPS Members-EU Party level. They shall endeavour to identify on a regular basis, at both political and operational levels, common ground on a series of strategic themes and to join forces on issues of mutual and global interest to drive global action forward.

3. The Parties may actively seek to closely cooperate and establish strategic partnerships with third countries and groupings that share their values and interests, with a view to maximising cooperative solutions to common challenges wherever possible.

ARTICLE 80

Areas of international action

1. The Parties agree to cooperate and undertake joint actions on issues related to the strategic priorities identified in Part II, as well as in other areas of concern as they deem necessary.

2. The Parties shall strengthen cooperation and dialogue to secure international peace and security. They shall adopt an inclusive and integrated approach to prevent and address conflicts and crises, rooted in broad, deep and durable regional and international partnerships. They shall work at national, regional and international levels to enhance the effectiveness of multilateral engagement for sustainable peace and security through strengthened partnerships with the UN and regional and sub-regional actors. They shall address serious crimes of concern to the international community and international security threats such as organised crime, terrorism and violent extremism, and shall cooperate to promote and strengthen the international arms control, non-proliferation and disarmament architecture, as well as to enhance cyber security and combat cybercrimes.

3. The Parties shall engage in international forums to uphold international norms and agreements to promote and protect human rights for all, to achieve gender equality, and to enhance democracy and the rule of law. They shall cooperate with the UN's human rights bodies and mechanisms and fully support the work of the UN Human Rights Council. They shall establish cross-regional alliances to serve common values and interests, as appropriate.

4. The Parties shall cooperate to advance the attainment of the SDGs and other internationally agreed roadmaps for the promotion of human and social development. They shall cooperate closely at the international level to:

- (a) end extreme poverty and hunger;
- (b) address and respond to food insecurity;

- (c) promote universal access to quality and affordable social services such as education, health, water, sanitation and housing;
- (d) empower women and youth; and
- (e) protect the most vulnerable in society and facilitate their inclusion in, and contribution to, economic, social and political life, leaving no one behind.

They shall cooperate to strengthen the coherence and consistency of the international financial and monetary system to secure enhanced access to development financing in support of sustainable development.

5. The Parties shall work together at the international level to achieve inclusive, sustainable economic growth and development through measures aimed at structural economic transformation, the creation of decent jobs for all, and the integration of the OACPS Members into the global economy, including through regional and continental integration. The Parties shall preserve and reinforce the rules-based multilateral trading system, with the WTO at its core, in all its functions, to ensure that it can effectively address global trade challenges and harness the development potential of trade.

6. The Parties shall intensify cooperation to promote strong and decisive collective action on environmental sustainability and on climate change, raising global ambition and leading the way to reach the long-term goals of the Paris Agreement. They shall uphold international norms and agreements that provide global public goods and protect future generations, including efforts to strengthen international ocean governance.

7. The Parties shall work with partners around the world to pursue a comprehensive and holistic approach on all aspects related to migration and mobility, based on the principles of solidarity, shared responsibility, and partnership.

PART IV

MEANS OF COOPERATION AND IMPLEMENTATION

ARTICLE 81

Effective and diversified means of cooperation

1. The Parties agree to mobilise both financial and non-financial resources in order to achieve the objectives set out in this Agreement on the basis of mutual interests, in the spirit of genuine partnership, and in line with the principle of "leaving no one behind". They underscore the importance of financing for development as being key to the implementation of the 2030 Agenda and the Paris Agreement.

2. The Parties agree that means of cooperation shall be diversified, encompassing a range of policies and instruments, from all available sources and actors. They also agree that means of cooperation shall be tailored to reflect, and be implemented on the basis of, the objectives, strategies and priorities of different countries and regions established at national, regional, continental and inter-regional levels.

3. The Parties reaffirm their commitment to the development effectiveness principles, namely ownership of development priorities by partner countries, inclusive partnerships, focus on results, transparency and mutual accountability.

ARTICLE 82

International development cooperation

1. The EU Party reaffirms their political commitment to enhance development cooperation resources with a view to achieving sustainable development, particularly by eradicating poverty and combating environmental degradation and climate change. The EU Party commits to making available the appropriate level of financial resources in line with its internal regulations and procedures.

2. The Parties agree that, in the allocation of resources, priority shall be given to countries most in need, where such resources can have most impact, in particular LDCs, low-income countries, countries in crisis and conflict, post-crisis and/or post-conflict fragile and vulnerable situations, including SIDS, and LLDCs. Due attention shall also be paid to the specific challenges faced by middle-income countries, particularly in relation to inequality, social exclusion and their access to resources.

3. The EU Party shall mobilise resources to support programmes in African, Caribbean and Pacific States and shall contribute to regional, inter-regional and intercontinental cooperation and initiatives aimed at strengthening cooperation between the Parties on issues of mutual interest and common concern.
4. The Parties agree that cooperation may take different forms, such as sector policy support programmes, administrative and technical cooperation measures, capacity building, triangular arrangements, and may be provided through different types of financing and procedures, including budget support, budgetary guarantees and blending operations.
5. The EU Party and the more advanced OACPS Members shall undertake to develop new forms of engagement, including innovative financial instruments and co-financing.
6. The Parties shall cooperate and promote the use of financial resources to foster domestic resource mobilisation, to provide humanitarian and emergency assistance, to address unforeseen circumstances, new needs or emerging challenges, to facilitate trade, and to promote international initiatives or priorities.
7. The Parties agree that any decision to provide budget support shall:
 - (a) be based on a clear set of eligibility criteria and a careful assessment of the risks and benefits;
 - (b) be based on country ownership, mutual accountability and a shared commitment to universal values and principles;

- (c) include reinforced policy dialogue, improved governance and complementing efforts to collect more and spend better; and
- (d) be differentiated in such a way as to respond better to the political, economic and social context of the beneficiary country.

8. The Parties agree to promote predictability and security of resource flows and step up efforts to further improve the way in which they manage and implement development cooperation, notably through greater coordination and coherence and by taking into account their respective comparative advantages, including transition experiences.

9. The Parties agree that programming shall be based on an early, continuous and inclusive dialogue between the EU Party and the OACPS Members, including national and local authorities, regional, continental and international organisations, and involving parliaments, civil society, the private sector and other stakeholders in order to enhance democratic ownership of the process and to encourage support for national and regional strategies. They agree that, where appropriate, programming shall be synchronised with the strategy cycles of beneficiaries and commit to the use of their institutions, systems and procedures. They also agree that programming shall provide a specific, tailor-made multi-annual framework for cooperation, including diversified means of cooperation.

10. The Parties agree that cooperation with third countries and other actors, including south-south and triangular cooperation, shall be encouraged in case of a clear added value and proven comparative advantage.

11. The Parties may decide to conduct a review of the management and impact of financial resources, at a mutually agreeable time, with a view to improving the effectiveness of aid programming and allocations.

12. The Parties shall strengthen dialogue and cooperation in the sound use of financial resources, including through cooperation with the European Anti-Fraud Office, where appropriate.

ARTICLE 83

Domestic public resources

1. The OACPS Members that are parties to this Agreement reaffirm their commitment to enhancing domestic resources mobilisation. They shall promote environments that increase domestic private flows and boost trade as an engine for development.

2. The OACPS Members that are parties to this Agreement shall endeavour to enhance revenue collection through modernised tax systems, improved tax policy, more efficient tax collection, and strengthened and reformed tax administration. They shall work towards improving the fairness, transparency, efficiency and effectiveness of their tax systems, including by broadening the tax base and continuing efforts to integrate the informal sector into the formal economy in line with country circumstances. They shall strengthen fiscal legitimacy by enhancing the efficiency and effectiveness of their public expenditure.

3. The Parties agree to increase efforts to combat illicit financial flows with a view to eradicating them, to cooperate in the recovery of lost assets and capital, and to strengthen good practices on assets return in order to foster sustainable development. They shall promote anti-corruption, anti-fraud and anti-money laundering measures, and undertake measures to tackle tax avoidance, tax evasion and other harmful tax practices, through increased international cooperation, improved domestic regulation as well as strengthened capacities and exchange of information.

4. The Parties shall enhance and cooperate to strengthen good financial and tax governance, transparency, and accountability. They commit to scaling up international tax cooperation in an inclusive, fair and transparent manner and, in that regard, agree to cooperate in international forums on international tax matters.

ARTICLE 84

Domestic and international private resources

1. The Parties acknowledge that private capital flows are vital complements of national development efforts. They shall develop policies and, where appropriate, strengthen regulatory frameworks and instruments to better align private sector incentives with public goals. They shall cooperate to mobilise sustainable and responsible investment, to encourage the private sector to engage as a partner in the development process, and to invest in areas critical to sustainable development.

2. The Parties shall endeavour to use blending of grants and loans as well as guarantees as levers to attract private finance and address market failures, while limiting market distortions.

3. The Parties acknowledge that remittances are a key private source of financing for sustainable development. They shall put in place relevant legislation and regulatory frameworks to create a competitive and transparent market for cheaper, faster and safer transfers of money through legal and official channels in both source and recipient countries, and to establish innovative and affordable transfer solutions. They shall encourage the generation of innovative financial products and create incentives to strengthen their diaspora's contribution to development. They shall promote dialogue among all relevant public and private stakeholders to facilitate remittance flows with a view to enhancing their impact on development.

ARTICLE 85

Debt and debt sustainability

1. The Parties commit to making debt sustainable in the long term through coordinated policies geared towards financing, mitigating, restructuring or managing debt as appropriate. They agree to assist countries in building debt management capacities and developing medium- and long-term debt strategies.

2. The Parties underscore the importance of debtors and creditors working together to prevent and resolve debt crises. They agree on the need to strengthen dialogue, information sharing and transparency, so that debt sustainability assessments and analyses are based on comprehensive, objective and reliable data.

3. The Parties, considering the links between debt and economic growth, commit to engaging in dialogue and cooperation in the context of international discussions on the general problem of debt, without prejudice to specific discussions taking place in relevant forums.

4. The Parties agree to contribute, as appropriate, to internationally approved debt relief initiatives in order to alleviate the debt-servicing burden of OACPS Members.

PART V

INSTITUTIONAL FRAMEWORK

ARTICLE 86

Joint institutions

1. The Parties hereby establish the following joint institutions at the level of the members of the OACPS and the EU Party: the OACPS-EU Council of Ministers, the OACPS-EU Ambassadorial Level Senior Officials Committee (OACPS-EU ALSOC) and the OACPS-EU Joint Parliamentary Assembly. The Parties hereby also establish, as joint institutions for each of the Regional Protocols, a Council of Ministers, a Joint Committee and a Parliamentary Assembly.
2. The Parties shall endeavour to ensure coordination and complementarity between the joint institutions of this Agreement and the joint institutions of other frameworks or agreements to which they are party, including the EPAs, without prejudice to relevant provisions therein.

ARTICLE 87

Summit of Heads of State or Government

The Parties may meet at the level of Heads of State or Government, upon joint agreement, in an appropriate format, on the basis of a mutually agreed timetable and agenda.

ARTICLE 88

OACPS-EU Council of Ministers

1. The OACPS-EU Council of Ministers shall comprise, on the one hand, a representative of each OACPS Member at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level. It shall be co-chaired by the Chair nominated by the OACPS Members on the one hand and by the Chair nominated by the EU Party on the other hand.
2. The OACPS-EU Council of Ministers shall meet in principle every three years and whenever it is deemed necessary on the initiative of the Co-chairs, in a form and composition appropriate to the issues to be addressed. Observers may take part in meetings as appropriate.
3. The OACPS-EU Council of Ministers may set up committees and working groups to deal with specific issues more effectively and efficiently, such as issues on trade and development finance. It may also delegate powers to the OACPS-EU ALSOC.
4. The functions of the OACPS-EU Council of Ministers shall be to:
 - (a) provide strategic political guidance;
 - (b) oversee the effective and consistent implementation of this Agreement;

- (c) adopt policy guidelines and take decisions to give effect to specific aspects necessary for the implementation of the provisions of this Agreement; and
- (d) adopt joint positions and agree on joint actions on international cooperation and facilitate coordination in international organisations and forums.

5. The OACPS-EU Council of Ministers shall adopt decisions that are binding on all Parties unless otherwise specified, or make recommendations concerning any of its functions listed in paragraph 4 by common agreement of the Parties. Its proceedings shall be valid only if the representatives of the European Union, at least half of the Member States of the European Union and at least two thirds of the members representing the governments of the OACPS Members are present. Any member of the OACPS-EU Council of Ministers unable to attend may be represented. The representative shall exercise all the rights of that member. The OACPS-EU Council of Ministers shall submit a report to the Joint Parliamentary Assembly on the implementation of this Agreement. It shall examine and take into consideration resolutions and recommendations adopted by the Joint Parliamentary Assembly.

6. The OACPS-EU Council of Ministers may take decisions or make recommendations by written procedure. The use of a written procedure may be proposed by any of the Parties and may be initiated following the agreement of the Co-chairs. The rules laid down in paragraph 5 shall apply *mutatis mutandis* to the written procedure.

7. The OACPS-EU Council of Ministers shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of this Agreement.

ARTICLE 89

OACPS-EU Ambassadorial Level Senior Officials Committee

1. The OACPS-EU Ambassadorial Level Senior Officials Committee (OACPS-EU ALSOC) shall comprise, on the one hand, a representative of each OACPS Member at ambassadorial or senior official level and the Secretary General of the OACPS in an *ex officio* capacity and, on the other hand, representatives of the European Union and of its Member States at ambassadorial or senior official level. The OACPS-EU ALSOC shall meet annually and in special sessions at the request of the Co-chairs, and in particular to prepare for the sessions of the OACPS-EU Council of Ministers. It shall be co-chaired by the same Parties that hold the office of Co-chairs of the OACPS-EU Council of Ministers. It shall take its decisions and make recommendations by common agreement of the Parties. Observers may take part in meetings as appropriate.
2. The OACPS-EU ALSOC shall prepare the sessions of, and assist, the OACPS-EU Council of Ministers in the fulfilment of its tasks and carry out any mandate entrusted to it by the OACPS-EU Council of Ministers.
3. The OACPS-EU ALSOC shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of this Agreement.

ARTICLE 90

OACPS-EU Joint Parliamentary Assembly

1. Each Member of the three Regional Parliamentary Assemblies shall be member of the OACPS-EU Joint Parliamentary Assembly. The OACPS-EU Joint Parliamentary Assembly shall meet once every year, as further set out in its rules of procedure as referred to in paragraph 3. It shall be co-chaired by a member of the European Parliament and a member of parliament of the OACPS Members, nominated according to their respective procedures.

2. The functions of the OACPS-EU Joint Parliamentary Assembly, as a consultative body, shall be as follows:
 - (a) adopt resolutions and make recommendations with a view to achieving the objectives of this Agreement; and

 - (b) promote democratic processes, foster cooperation between parliaments, and facilitate greater understanding between the peoples of the OACPS Members and those of the European Union.

3. The OACPS-EU Joint Parliamentary Assembly shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of this Agreement.

ARTICLE 91

Regional Summit

The Parties to each Regional Protocol may decide to meet at the level of Heads of State or Government at intervals to be agreed upon by the respective Parties on the basis of a mutually agreed timetable and agenda.

ARTICLE 92

Regional Councils of Ministers

1. The Parties hereby establish a Council of Ministers for each of the three Regional Protocols:
 - (a) the Africa-EU Council of Ministers shall comprise, on the one hand, a representative of each State Party in Africa at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level;
 - (b) the Caribbean-EU Council of Ministers shall comprise, on the one hand, a representative of each State Party in the Caribbean at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level; and

- (c) the Pacific-EU Council of Ministers shall comprise, on the one hand, a representative of each State Party in the Pacific at ministerial level and, on the other hand, representatives of the European Union and of its Member States at ministerial level.

Each Regional Council of Ministers shall be co-chaired by the Chair nominated respectively by the African, Caribbean or Pacific States Parties, on the one hand, and by the Chair nominated by the EU Party on the other hand, according to their own procedures.

Each Regional Council of Ministers shall meet at intervals to be agreed upon by the respective Parties, in a composition appropriate to the issues to be addressed and on the initiative of the Co-chairs, and shall take decisions by common agreement.

2. The functions of each Regional Council of Ministers shall be to:

- (a) set priorities and, as appropriate, establish plans of action in relation to the objectives of their respective Regional Protocol;
- (b) adopt decisions and make recommendations to give effect to specific aspects of their respective Regional Protocol, including decisions concerning the revision or amendment thereof, in accordance with Article 99(5); the decisions shall be binding on all Parties to the respective Regional Protocol, unless otherwise specified; and
- (c) conduct dialogue and exchange views on any issues of common interest.

3. Each Regional Council of Ministers shall adopt decisions or make recommendations by common agreement. Its proceedings shall be valid only if the representatives of the European Union, at least half of the Member States of the European Union and at least two thirds of the members representing the respective African, Caribbean and Pacific region are present. Any member of any Regional Council of Ministers unable to attend may be represented. The representative shall exercise all the rights of that member.

4. Each Regional Council of Ministers:

- (a) may adopt decisions or make recommendations by written procedure; the rules laid down in Article 88 shall apply *mutatis mutandis* to the written procedure of the Regional Council of Ministers;
- (b) may set up subcommittees and working groups to deal with specific issues more effectively and efficiently, and may delegate powers to the respective Regional Joint Committee;
- (c) shall submit a report to the OACPS-EU Council of Ministers on the implementation of its respective Protocol; and
- (d) shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of this Agreement.

ARTICLE 93

Regional Joint Committees

1. Each Regional Joint Committee shall comprise, on the one hand, a representative of each African OACPS Member for the Africa-EU Protocol, each Caribbean OACPS Member for the Caribbean-EU Protocol, and each Pacific OACPS Member for the Pacific-EU Protocol, at ambassadorial or senior official level, and, on the other hand, representatives of the European Union and of its Member States at ambassadorial or senior official level.
2. Each Regional Joint Committee shall be co-chaired by the same Parties that hold the office of Co-chairs of the respective Regional Council of Ministers. When appropriate, it may decide to invite observers on the proposal of any Party following the agreement of the Co-chairs.
3. Each Regional Joint Committee shall prepare the sessions and assist the respective Regional Council of Ministers in the fulfilment of its tasks and carry out any mandate entrusted to it by the respective Regional Council of Ministers.
4. Each Regional Joint Committee shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of this Agreement.

ARTICLE 94

Regional Parliamentary Assemblies

1. The Parties hereby establish a Regional Parliamentary Assembly for each of the three Regional Protocols that shall be co-chaired by a Member of the European Parliament, on the one hand, and a Member of the Parliament from the respective African, Caribbean or Pacific Parties, nominated as Chair, on the other hand, in accordance with their own procedures:
 - (a) the Africa-EU Parliamentary Assembly shall comprise, on the one hand, Members of the European Parliament and, on the other hand, Members of Parliament of each State Party in Africa, in equal number;
 - (b) the Caribbean-EU Parliamentary Assembly shall comprise, on the one hand, Members of the European Parliament and, on the other hand, Members of Parliament of each State Party in the Caribbean, in equal number;
 - (c) the Pacific-EU Parliamentary Assembly shall comprise, on the one hand, Members of the European Parliament and, on the other hand, Members of Parliament of each State Party in the Pacific, in equal number.

2. As a consultative body, each Regional Parliamentary Assembly shall meet in particular in advance of meetings of the relevant Regional Council of Ministers. In that regard, each Regional Parliamentary Assembly shall be supplied in a timely manner with the agenda of the relevant Regional Council of Ministers, on the basis of which it may make recommendations to that Council of Ministers, and shall be informed of the decisions and recommendations of the relevant Regional Council of Ministers.

3. Each Regional Parliamentary Assembly:

- (a) may adopt resolutions and discuss any issues pertaining to their respective Regional Protocol;
- (b) may promote democratic processes through dialogue and consultation and facilitate greater understanding between the peoples of the European Union and those of Africa, the Caribbean and the Pacific;
- (c) shall liaise with the OACPS-EU Joint Parliamentary Assembly on issues pertaining to this Agreement, in order to ensure coordination and coherence; and
- (d) shall adopt its rules of procedure at its first meeting, but no later than six months after the entry into force of this Agreement.

ARTICLE 95

Engagement with stakeholders

1. The Parties agree that engagement with stakeholders, notably local authorities, civil society, and private sector representatives, is integral to well-informed decision-making and to furthering the objectives of this Partnership.
2. Stakeholders shall be informed in a timely manner and be able to provide inputs into the broad process of dialogue, particularly in view of the meetings of the respective Council of Ministers.
3. In order to promote such engagement, open and transparent mechanisms for structured consultation with stakeholders shall be set up as appropriate.
4. The results of the consultations with stakeholders shall be communicated to the relevant Council of Ministers, Joint Committee or Parliamentary Assembly, as appropriate.

PART VI

FINAL PROVISIONS

ARTICLE 96

Territorial application

This Agreement shall apply, on the one hand, to the territories in which the Treaty on European Union and the Treaty on the Functioning of the European Union apply and under the conditions laid down in those Treaties, and, on the other hand, to the territories of the OACPS Members.

ARTICLE 97

Other agreements or arrangements

No treaty, convention, agreement or arrangement of any kind between one or more Member States of the European Union and one or more OACPS Members shall impede the implementation of this Agreement.

ARTICLE 98

Consent to be bound, entry into force and provisional application

1. The Parties shall express their consent to be bound by this Agreement in accordance with their respective internal rules and procedures.
2. This Agreement shall enter into force on the first day of the second month following the date on which the European Union and its Member States and at least two thirds of the OACPS Members have completed their respective internal procedures for that purpose and deposited their instruments expressing their consent to be bound with the General Secretariat of the Council of the European Union (the "depository"), which shall send a certified copy to the OACPS Secretariat.
3. An OACPS Member that has not completed the procedures set out in paragraph 2 by the date on which this Agreement enters into force in accordance with paragraph 2 may do so only within 12 months of that date. For such OACPS Members, this Agreement shall become applicable on the first day of the second month following the deposit of their instruments expressing their consent to be bound with the depository, which shall send a certified copy to the OACPS Secretariat. Such OACPS Members shall recognise the validity of any measure taken to implement this Agreement after the date of its entry into force in accordance with paragraph 2.

4. Notwithstanding paragraphs 2 and 3, the European Union and the OACPS Members may apply this Agreement provisionally in whole or in part, pending its entry into force and in accordance with their respective internal procedures. Provisional application shall commence on the first day of the second month after the date of signature of this Agreement. Before the commencement of the provisional application, the European Union shall notify the OACPS Members of the parts of this Agreement that shall be provisionally applied.

ARTICLE 99

Duration and revision

1. This Agreement is concluded for an initial period of 20 years. Three years prior to the end of that initial period, the Parties shall enter into a dialogue with a view to reviewing the provisions that shall subsequently govern their relations. This Agreement shall be tacitly extended for a single period of five years unless a decision terminating or extending it is agreed upon by the Parties before the end of the initial period of 20 years.

2. The Parties may submit proposals for amendments to this Agreement to the OACPS-EU Council of Ministers no later than six months prior to the relevant meeting of the OACPS-EU Council of Ministers. Any amendments shall be approved by the OACPS-EU Council of Ministers and be subject to the procedures laid down in Article 98 for the entry into force and provisional application of this Agreement.

3. Within six months of the expiry of the 2030 Agenda, the Parties shall enter into negotiations with a view to reviewing and revising the strategic priorities of this Agreement, including the Africa Regional Protocol, the Caribbean Regional Protocol and the Pacific Regional Protocol, and to introducing any other necessary amendments. The amended Agreement shall enter into force in accordance with the procedures laid down for the entry into force and provisional application of this Agreement.

4. The Parties may submit proposals for amendments to the Annexes to this Agreement to the OACPS-EU Council of Ministers no later than six months prior to the relevant meeting of the OACPS-EU Council of Ministers. Any amendments shall be approved by the OACPS-EU Council of Ministers.

5. The Parties to the respective Regional Protocol may submit proposals for amendments to their Protocol to the respective Regional Council of Ministers and to the OACPS-EU Council of Ministers no later than 120 days prior to the relevant meeting of the respective Regional Council of Ministers. Any amendments shall be adopted by the respective Regional Council of Ministers and immediately notified to the OACPS-EU Council of Ministers, which may give its consent within 120 days of the date of notification, including through written procedure or delegation of power to the OACPS-EU ALSOC. The OACPS-EU Council of Ministers may refuse to give its consent for an amendment deemed not to be consistent with this Agreement, and shall notify the relevant Regional Council of Ministers of the reasons for its refusal. The absence of a refusal of consent within 120 days of the date of notification is deemed to constitute consent. The amended Regional Protocol shall enter into force on the first day of the second month following the date of consent.

6. The OACPS-EU Council of Ministers may adopt any transitional measures necessary if a new agreement is envisaged between the Parties and until such agreement enters into force or is provisionally applied.

ARTICLE 100

Termination

This Agreement may be terminated by the EU Party in respect of each OACPS Member and by each OACPS Member in respect of the EU Party. The termination shall take effect six months after receipt by the depositary of the written notification thereof, which shall send a certified copy to the OACPS Secretariat.

ARTICLE 101

Dispute settlement and fulfilment of obligations

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall address divergences and disputes over the application of this Agreement between them and address questions of interpretation related to this Agreement in accordance with this Article.

2. Without prejudice to the procedures referred to in paragraphs 3 to 9 of this Article and Article 74(4), any question related to the interpretation of this Agreement may be resolved through consultations within the OACPS-EU Council of Ministers or, upon the Parties' agreement, a special subcommittee or any other appropriate mechanism reporting to the OACPS-EU Council of Ministers. The Parties shall present the relevant information required for a thorough examination of the matter, with a view to addressing it in a timely and amicable manner.

3. For the purposes of paragraphs 4 to 9, the term "Party" refers to the European Union and its Member States, on the one part, and each OACPS Member, on the other part.

4. The Parties shall address divergences between them within the partnership dialogue, with a view to preventing situations arising in which one party might deem it necessary to have recourse to the consultations provided for in paragraphs 5 and 6.

5. If either Party considers that the other Party has failed to fulfil any of the obligations under this Agreement, it shall notify the other Party, presenting all relevant information required for a thorough examination of the situation, with a view to reaching a mutually acceptable solution within 90 days of the date of notification. Should this be deemed not sufficient, the Parties shall hold structured and systematic consultations. Where they are unable to reach a mutually acceptable solution within 120 days of the commencement of consultations, the notifying Party may take measures proportionate to the failure to fulfil the specific obligation.

6. Notwithstanding paragraph 5, if either Party considers that the other Party is in violation of any of the essential elements as set out in Articles 9 and 18, except in case of special urgency, or in serious cases of corruption as set out in Article 12, it shall notify the other Party, presenting all relevant information required for a thorough examination of the situation, with a view to seeking a mutually acceptable solution within 60 days of the date of notification. Should this be deemed not sufficient, the Parties shall hold structured and systematic consultations. While preserving the bilateral character of the consultations, a special joint committee shall be involved upon agreement of the Parties concerned during the structured and systematic consultations phase. The Special Joint Committee, consisting of an equal number of representatives of the EU Party and OACPS Members abiding by the principles of genuine partnership and mutual accountability, shall provide advice on the fulfilment of obligations and assist as appropriate so that the Party concerned takes the necessary actions to comply with the obligations arising from this Agreement. The Party concerned remains solely responsible for complying with its obligations under this Agreement. Where they are unable to reach a mutually acceptable solution within 90 days of the commencement of consultations, the notifying Party may take appropriate measures.

7. If either Party considers that a violation of any of the essential elements constitutes a case of special urgency, it may take appropriate measures with immediate effect, without prior consultations. Cases of special urgency shall refer to exceptional cases of a particularly serious and flagrant violation of one of the essential elements referred to in Articles 9 and 18.

8. "Appropriate measures" referred to in paragraphs 6 and 7 shall be taken in full respect of international law and shall be proportionate to the failure to implement obligations under this Agreement. Priority shall be given to those which least disturb the functioning of this Agreement. Appropriate measures may include the suspension, in part or in full, of this Agreement. After taking the appropriate measures, at the request of either Party, consultations may be called in order to examine the situation thoroughly and find solutions allowing the withdrawal of appropriate measures.

9. The Parties agree that consultations shall be conducted at the level, and in the form, considered most conducive to reaching a mutually acceptable solution. They agree that, while preserving the bilateral character of the consultations, relevant regional and international actors may be involved in the consultation process upon agreement of the Parties concerned.

ARTICLE 102

Accession

1. Any new Member State of the European Union shall become a Party to this Agreement from the date of its accession to the European Union by means of a clause to that effect in the act of accession. If the act of accession to the European Union does not provide for such automatic accession of the new Member State to this Agreement, the Member State concerned shall accede to this Agreement by depositing an act of accession with the depositary, which shall send a certified copy to the OACPS Secretariat.

2. Any request for accession to this Agreement made by an independent state that is a member of the OACPS or any other independent state whose structural characteristics and economic and social situation are comparable to those of the members of the OACPS, shall be presented to the OACPS-EU Council of Ministers. If the request is approved by the OACPS-EU Council of Ministers, the state concerned shall accede to this Agreement by depositing an act of accession with the depositary, which shall send a certified copy to the OACPS Secretariat.
3. The Parties shall review the effects on this Agreement of the accession to it of new states.
4. The OACPS-EU Council of Ministers may decide on any transitional or amending measures that might be necessary.

ARTICLE 103

Observer status

In pursuit of the objectives of this Agreement, third actors, including regional and continental organisations, may be granted the status of observer in the institutions established by Part V of the General Part of this Agreement by decision of the relevant joint institution.

ARTICLE 104

Authentic texts

This Agreement is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

REGIONAL PROTOCOLS

AFRICA REGIONAL PROTOCOL

PART I

FRAMEWORK FOR COOPERATION

CHAPTER 1

NATURE AND SCOPE

ARTICLE 1

Genuine partnership

1. For the purposes of this Protocol, "Parties" means the relevant parties bound by this Protocol pursuant to Article 6 of the General Part of this Agreement.
2. Relations between the Parties shall be governed by the provisions of the General Part of this Agreement and the strategic priorities under this Protocol, which shall be complementary and mutually reinforcing, in accordance with Article 6 of the General Part of this Agreement.

3. The Parties shall implement this Protocol in a spirit of shared ownership, reciprocity, mutual accountability and transparency, with complementary responsibilities at national, regional and international levels.

ARTICLE 2

Strategic priorities

1. The Parties shall take specific measures in the following key areas of engagement set out in Part II of this Protocol:

- (a) inclusive and sustainable economic growth and development;
- (b) human and social development;
- (c) environment, natural resources management and climate change;
- (d) peace and security;
- (e) human rights, democracy and governance;
- (f) migration and mobility.

2. The Parties may agree on other areas of engagement and cooperation by mutual consent.

ARTICLE 3

Regional and continental integration and cooperation

1. The Parties shall foster interconnections and strategic linkages between Africa and the European Union.
2. The Parties shall support regional and continental integration in Africa as effective ways to achieve peace and prosperity and to deliver on the priorities of this Protocol, taking into consideration the objectives of Agenda 2063 of the African Union (AU) ("Agenda 2063") and other relevant regional frameworks.
3. The Parties shall support regional economic integration in Africa through, inter alia, the build-up of larger markets, greater interconnectivity and the free movement of persons, goods, services, capital, labour and technology, in the context of the implementation of the Treaty establishing the African Economic Community, done at Abuja on 3 June 1991, and the Agreement establishing the African Continental Free Trade Area, done at Kigali on 21 March 2018.
4. The Parties shall support the AU and regional organisations in promoting peace, security, democracy and governance in the context of regional and continental mechanisms such as the African Peace and Security Architecture (APSA) and the African Governance Architecture (AGA).

5. The Parties agree to ensure coherence and complementarity between this Protocol and the continent-to-continent partnership as defined in successive AU-EU Summits and related outcome documents. In their aspiration to achieve the continental priorities as articulated in Agenda 2063, the Parties recognise the role of the AU as well as of regional economic communities (RECs) on continental and cross-regional issues. In that context, they may engage in dialogue and cooperation on cross-regional and continental issues with African countries that are not party to this Agreement.

6. The Parties agree to engage and strengthen cooperation with the RECs, acknowledging their role as building blocks under the African integration agenda. They also agree to cooperate with other relevant regional and continental actors that are willing and able to promote common goals.

7. The Parties shall encourage regional cooperation with the Overseas Countries and Territories (OCTs) associated with the EU and the outermost regions of the EU in areas of common interest.

CHAPTER 2

ACTORS AND PROCESSES

ARTICLE 4

Institutional provisions

1. The joint institutions established by this Protocol, the composition and function of which are defined in the General Part of this Agreement, are as follows:
 - (a) the Africa-EU Council of Ministers;
 - (b) the Africa-EU Joint Committee;
 - (c) the Africa-EU Parliamentary Assembly.

2. The Parties shall take account of the strategic and political guidance of the AU-EU Summits in their cooperation and in the implementation of this Protocol.

ARTICLE 5

Consultation with stakeholders

The Parties shall set up mechanisms for open and transparent consultation with all relevant stakeholders, including local authorities, representatives of civil society and the private sector, in order to keep them informed and gather their input for the political processes and implementation of this Protocol, in accordance with Article 5(3) of the General Part of this Agreement.

ARTICLE 6

Implementation and monitoring

1. The Parties, for each area of engagement, shall promote effective cooperation arrangements and shall carry out the related activities at the most appropriate domestic, regional, multi-country and continental level. To that end, they recognise the role of regional and continental organisations in implementing this Protocol and shall seek to reinforce the involvement of relevant stakeholders.
2. The Parties shall monitor the implementation of this Protocol, including through a multi-stakeholder approach. They may review it on a regular basis and, as appropriate, may revise and expand its scope in existing and new areas of engagement, in accordance with the procedure laid down in Article 99(5) of the General Part of this Agreement.

PART II

KEY AREAS OF COOPERATION

TITLE I

INCLUSIVE SUSTAINABLE ECONOMIC GROWTH AND DEVELOPMENT

ARTICLE 7

The Parties shall promote inclusive and sustainable economic growth and development for mutual interest and benefit by fostering structural economic transformation and diversification, creating quality jobs with decent work conditions, and advancing regional economic integration. They shall invest in human capital and skills, promote a sound macro-economic framework and create a business environment that is conducive to greater flows of investment and private sector development. They shall take measures and cooperate to strengthen capacities in order to mitigate climate change and minimise other environmental risks, supporting a paradigm shift in production and consumption, and promoting climate-resilient infrastructures, renewable energy and clean technologies, sound management of waste and chemicals, and integrated water management, with a view to decoupling economic growth from environmental degradation and to enabling a gradual transition to circular economies. They shall harness key sectors with high growth and high potential for decent job creation, leading to integration into regional and global high-value chains. They shall endeavour to ensure that everyone benefits from unlocked business opportunities, paying special attention to women and youth, and that core labour standards are promoted and implemented, including through effective social dialogue.

CHAPTER 1

ECONOMIC TRANSFORMATION

ARTICLE 8

Economic governance

1. The Parties shall improve macro-economic stability and promote structural reforms and appropriate economic, fiscal and monetary policies that create the much-needed space for investment expansion, job creation and private sector development, and strengthen resilience to economic shocks. They shall facilitate the process of economic reform by improving shared understanding and exchange of information on the fundamentals of their economies and the formulation and implementation of economic policies.
2. The Parties agree to support the principles of good economic governance, adopt measures to improve public finance management, work towards public debt sustainability, strengthen national and regional statistical systems and regional, multilateral surveillance mechanisms, and promote transparent budget execution with public access to documents, effective control systems and a competitive, transparent and accountable public procurement system.

ARTICLE 9

Human capital and skills

1. The Parties shall strengthen human capital by investing in the areas of education, skills enhancement and capacity building with a view to matching the demands of the labour market and enhancing labour productivity, paying particular attention to the principles of gender equality and non-discrimination. They shall ensure that national education systems and curricula are geared towards future employment requirements and deliver on national capacity needs.
2. The Parties shall promote demand-driven technical and vocational education and training systems, including by partnering with the private sector, which are adapted to the needs and opportunities of local and regional labour markets, in particular, in rural and remote areas.
3. The Parties shall cooperate to develop and implement policies that improve digital skills and literacy and integrate them into the education system.

ARTICLE 10

Business environment and investment climate

1. The Parties shall improve national and regional regulatory frameworks and simplify business regulations and processes, reduce and streamline administrative formalities, reinforce cooperation and build capacities to implement effective competition policies. They shall adopt open, transparent and clear regulatory frameworks for business and investment, with protection for property rights, land rights and intellectual property rights. They shall ensure effective, transparent and predictable tax systems and improve the role of customs authorities in facilitating trade, while enforcing the rules in place to combat fraud and other infringements. They shall promote policies that enhance the relevance, efficiency and effectiveness of labour market institutions, striking the right balance between flexibility and worker protection.

2. The Parties shall support financial sector reforms through measures that promote the improvement of access to finance and financial services, especially for micro, small and medium-size enterprises (MSMEs), the development and interconnectivity of financial markets, and the integration of capital markets so as to ensure the efficient allocation of savings to productive investment and the private sector. They shall aim to foster competition between financial service providers, to develop viable banking and non-banking financial sectors and to strengthen mobile and digital financial services with a view to increasing access to finance, especially for MSMEs. They shall also aim to enhance their collaboration in the implementation of international standards and to ensure open markets, protection of consumers and other users and increased access to mobile services.

3. The Parties shall endeavour to provide business and investors with relevant and easily accessible information on business opportunities and on how to set up new businesses in Africa and the EU. They shall support structured public-private dialogue, networking between economic operators and the development of business partnerships, to ensure that private sector perspectives are taken into account in efforts to reduce investment risks and in addressing obstacles to sustainable investment while prioritising investment-climate reform agendas.

4. The Parties shall support capacity building of public authorities to pursue policy improvements and regulatory reforms to the business environment and investment climate, including through training and expertise and knowledge transfers.

5. The Parties agree that business environment and investment climate related issues shall be appropriately reflected upon in their dialogue.

ARTICLE 11

Infrastructure

1. The Parties shall support sustainable and resilient development in key infrastructures such as energy, transport, information and communications technology (ICT) and digital connectivity to facilitate the transformation of their economies, taking into consideration the Programme for Infrastructure Development in Africa.

2. The Parties shall cooperate in identifying, promoting and jointly financing projects expected to facilitate the transformation of their economies. They shall cooperate to build and maintain well-targeted infrastructure, including industrial parks and export-processing zones, in order to support competitive industries and sectors linked to global markets.

3. The Parties shall improve the governance of the infrastructure sector. They shall mobilise investment, enhance domestic resource mobilisation, encourage public-private partnerships and harness private sector skills and innovation in the provision of infrastructure and related services.

4. The Parties agree to facilitate sustainable and resilient infrastructure development and maintenance through enhanced financial, technological and technical support, with particular attention to least developed countries, landlocked developing countries and small island developing states (SIDS).

ARTICLE 12

Intellectual property

1. The Parties shall strengthen cooperation on intellectual property rights, including in the formulation of the regulatory framework for their promotion, protection and enforcement, taking into account the underlying policy objectives.

2. The Parties shall cooperate to strengthen capacities to promote, protect and enforce intellectual property rights at domestic, regional and continental levels.

3. The Parties shall ensure that enforcement procedures are available under their law so as to enable right holders to take effective action against any act of infringement of intellectual property rights.

4. The Parties shall build capacities to promote the registration and protection of geographical indications (GIs) for both African and European agricultural and food products. They shall undertake actions to support the implementation of the AU Continental Strategy for Geographical Indications in Africa, as well as support local communities to take full advantage of GIs to move up regional and global value chains.

ARTICLE 13

Investment

1. The Parties undertake to work jointly to unlock sustainable and responsible investment from domestic and foreign, public and private sources. They shall pay particular attention to sectors that are essential for economic development, have high potential for sustainable job creation, particularly in value-adding sectors, and foster environmental sustainability.

2. The Parties agree to facilitate investment through legislation, regulation and policies, which they shall develop in a transparent manner, encouraging public-private dialogue and providing all stakeholders with the opportunity to participate.

3. The Parties shall boost efforts towards improving the investment climate and business environment. They shall support measures that bridge gaps in foreign investors' knowledge of local investment conditions. They shall promote business contacts and information networks, and facilitate joint investments and joint ventures.

4. The Parties shall promote effective and more strategic use of public investment to crowd in private sector investment through blending, guarantees and other innovative financial instruments, in order to leverage additional resources from capital markets, de-risk investment and facilitate access to finance. The Parties shall take into account other initiatives that contribute to the financing and promotion of private sector investment in Africa in order to ensure coherence.

5. The Parties shall promote corporate social responsibility (CSR) and responsible business conduct (RBC) throughout the entire value chain, by providing supportive policy frameworks that encourage businesses' uptake of relevant practices and supporting adherence to, and the implementation, follow-up and dissemination of, relevant international standards, such as the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises and the ILO Tripartite Declaration of Principles concerning Multinational Enterprise and Social Policy. They shall recognise the contribution to sustainability and CSR of other voluntary initiatives, including industry self-regulation.

ARTICLE 14

Industrialisation

1. The Parties shall promote inclusive and sustainable industrialisation in Africa through innovation and technological development, with a focus on high added-value and labour-intensive sectors.
2. The Parties shall promote the transformation of African economies and their transition from commodity dependence to diversified economies through the local treatment and processing of raw materials, added-value manufacturing and integration into regional and global value chains, including by taking into consideration the Strategy for Accelerated Industrial Development in Africa.
3. The Parties shall work towards unlocking bottlenecks that hamper industrial development. They shall address supply-side constraints, promote improved productivity, encourage the use of advanced ICT and artificial intelligence, and support digital transformation, taking into account social, mobility, analytics and cloud (SMAC) technologies. They shall foster climate-smart and environment-friendly practices and the use of clean, affordable energy.
4. The Parties shall seek to create industrial linkages through greater value addition for, *inter alia*, agriculture and resource-rich countries. They shall foster relations between smaller and larger industries in Africa. They shall develop the services sector to ensure that it contributes efficiently to industrialisation.

5. The Parties shall facilitate the development of MSMEs in Africa, including by developing linkages within Africa and synergies with EU companies. They shall support policies for the development of entrepreneurship among youth and women in the context of their economic empowerment and the promotion of inclusive development.

ARTICLE 15

Private sector development

1. The Parties shall promote and strengthen the role of the private sector as an effective driver of sustainable development based on CSR and RBC. They shall provide an enabling environment to unlock the potential of opportunity-driven entrepreneurship and to better harness Africa's entrepreneurial base, combining a mix of tools such as financing, services and training, business culture and regulatory frameworks, innovation and the application of modern technologies. They shall pay particular attention to the informal sector and the formalisation of informal economic activities.

2. The Parties shall establish the right business framework and support MSMEs and start-ups to seize growth opportunities, including by promoting initiatives for their internationalisation. They shall strengthen MSME support services by focusing on accompanying measures, market access, capacity building and business upgrading. They shall promote and support innovation and entrepreneurship, especially among youth and women.

3. The Parties shall support structured dialogue between African and EU private sectors and cooperation between African and EU MSMEs to help create an improved business environment enabling growth in all economic sectors.
4. The Parties shall promote private sector commitment and action on green business development and the circular economy, including through the development of social entrepreneurship and the facilitation of access to sustainable finance.
5. The Parties shall encourage and facilitate wider use of their respective currencies in their international transactions.

ARTICLE 16

Trade cooperation

1. The Parties, acknowledging the importance of trade as a major contributor to economic growth and development, shall bolster trade opportunities for their mutual benefit. They shall cooperate to build trade capacity and to put in place the framework conditions and policies to facilitate increased trade flows between them.
2. The Parties agree that trade cooperation shall be implemented in full conformity with the provisions of the WTO, including special and differential treatment.

3. The Parties agree that trade cooperation shall primarily build on existing preferential trade arrangements and Economic Partnership Agreements (EPAs).

4. Signatories to the EPAs shall support their implementation, including the possibility of broadening their scope and the accession of new members where appropriate.

5. The Parties shall cooperate to support, with their respective means, the implementation of the African Continental Free Trade Area.

6. The Parties agree that the implementation of the EPAs, the Agreement establishing the African Continental Free Trade Area and other applicable trading arrangements are complementary and mutually supportive and contribute to the deepening of the regional and continental integration process under the AU trade and structural transformation agenda.

7. The Parties agree to maintain or establish, at the appropriate levels, joint arrangements to monitor implementation of the EPAs and discuss other applicable trading arrangements, and assess their impact on the development of African economies and on their regional and continental integration processes.

8. The Parties shall support regional economic integration processes, including through trade facilitation and regulatory harmonisation and shall promote intra-African trade and the integration of African countries into regional and global value chains. They also agree to facilitate and stimulate the creation and consolidation of regional markets for goods and services.

9. The Parties shall support initiatives that reduce and eliminate unnecessary technical barriers to trade within the scope of the WTO Agreement on Technical Barriers to Trade (the "TBT Agreement"). They shall cooperate to strengthen sanitary and phyto-sanitary regulations and practices pursuant to the WTO Agreement on Sanitary and Phyto-Sanitary (SPS) measures (the "SPS Agreement"). In particular, the Parties shall cooperate to develop international standards that support the relevant policy frameworks of the Parties. They shall cooperate to enhance transparency in the development of regulatory measures and the implementation of standards, technical regulations and conformity assessment procedures (testing, certification, calibration). They shall address among others, issues of metrology and accreditation of laboratories and other conformity assessment bodies combined with adequate market surveillance infrastructure.

10. The Parties shall cooperate in the area of trade facilitation, building on their respective commitments under the WTO Trade Facilitation Agreement (TFA). They shall adopt measures, including technical assistance, to implement the TBT Agreement, the SPS Agreement and the TFA, and shall support compliance with international standards through appropriate capacity building.

11. The Parties shall stimulate market development through infrastructure linkages and prioritise the removal of unnecessary barriers and constraints facing exports between Africa and the European Union.

12. The Parties, according to their level of development and priorities, commit to enhancing market access for goods to African and EU markets, in order to maximise the benefits of existing trade agreements.

CHAPTER 2

KEY SECTORS

ARTICLE 17

Agriculture

1. The Parties shall cooperate to increase sustainable and quality agricultural production, productivity and processing, with a view to enhancing food and nutrition security, improving livelihoods, creating decent jobs, improving value chains and increasing incomes. They shall strengthen climate-resilient practices, promote the sustainable management and use of natural resources and ecosystem services, eliminate incentives that generate unsustainable production patterns, and utilise the most sustainable, energy-efficient and low-carbon technologies. They shall ensure the transition to sustainable food systems by paying attention to all dimensions of sustainability and shall strengthen the resilience of their agri-food systems to climate and environmental risks and exogenous shocks.

2. The Parties shall cooperate to boost public and private investment, better link African and EU businesses in the agri-food sector, exchange best practices and bring together EU and African expertise for agricultural development. They shall support the implementation of the Comprehensive Africa Agriculture Development Programme (CAADP).

3. The Parties shall bolster investment, putting in place investor-friendly rules and regulations to promote responsible private investment and allow it to thrive in the agri-food sector. They shall support the development of sustainable agri-food value chains, *inter alia* through improved rural infrastructures, enhanced vocational training and education, agricultural research and technologies, and facilitated access to finance and markets.

4. The Parties shall cooperate to improve opportunities for agricultural producers, processors and exporters to access national, regional and international markets. They shall promote capacity building in the area of SPS standards, fair-trade schemes for agro-processing, access to services, agricultural advice and appropriate technologies, with a particular focus on the capacity of young farmers, women, smallholders and family farmers. They shall build the capacities of family farming organisations and MSMEs in production and processing techniques through empowerment policies, particularly for young people and women.

5. The Parties shall cooperate on agriculture sector governance, notably through support measures for information and early warning systems to prevent crises, through inclusive policy-making and by building the capacities of professional organisations at national, regional and continental levels. They shall facilitate access to agricultural land and inheritance rights, including for family farmers, young people and women.

ARTICLE 18

Livestock and leather

1. The Parties shall cooperate to improve sustainable livestock production, pastoralism and cross-border transhumance, to develop livestock value chains, including by enhancing the capacity of professional organisations, and to support the processing, conservation, trade and development of animal products such as leather, milk and meat, taking account of environmental sustainability, climate resilience, socio-economic development and inclusive growth. They shall also cooperate to modernise infrastructure for processing and marketing livestock and livestock products with a view to facilitating access to markets and strengthening inter-regional markets in Africa.
2. The Parties shall cooperate to develop and modernise the livestock sector in keeping with the objectives of the CAADP, taking into consideration the Livestock Development Strategy for Africa.
3. The Parties shall cooperate to improve animal health, enhance veterinary services and ensure the sustainable management of agro-pastoral resources. They shall encourage the establishment of appropriate national and regional regulatory frameworks and the strengthening of veterinary research capabilities. They shall cooperate to address the risks emerging from transboundary animal diseases by strengthening monitoring mechanisms and cross-border epidemiological cooperation.

ARTICLE 19

Blue economy and fisheries

1. The Parties shall support the blue economy, reconciling sustainable economic growth with improved livelihoods, social equity, the conservation of marine and inland ecosystems and their biodiversity, and resilience to climate change, and strengthening food security and transparent, reliable and secure food systems.

2. The Parties agree to promote sustainable and responsible investment in the blue economy and support targeted intervention to stimulate greater private sector investment. They shall promote integrated watershed management and marine spatial planning to reconcile multiple-use demands and environmental protection. They shall further promote technology development and transfer and the sharing of knowledge, innovations, best practices and lessons learned with regard to a sustainable blue economy.

3. The Parties shall promote sustainable marine and inland fisheries for job creation, income generation, the fight against poverty, and enhanced food security and improved nutrition. They shall facilitate joint ventures, promote value-addition and address post-harvest losses through appropriate measures, and foster improved access to markets. They shall enhance the social and economic benefits of small-scale fisheries including artisanal fisheries by building sustainable fisheries value chains and strengthening investments and local capacities while paying attention to the participation of vulnerable and marginalised persons.

4. The Parties shall ensure the conservation and sustainable management and use of marine and inland fisheries resources in order to maintain fish stocks at sustainable levels, prevent overfishing, support the implementation of climate-smart policies and minimise the negative impacts of fishing on the natural environment. They shall promote regional cooperation and foster best practices in fisheries management, including the promotion of collecting and reporting of fisheries data and statistics.
5. The Parties shall cooperate to develop sustainable marine and inland aquaculture through effective spatial planning, an ecosystem-based approach, better access to finance and an enhanced level playing field for investors, while ensuring that it meets the concerns of local communities.
6. The Parties shall promote the sustainable development of coastal and maritime tourism that generates revenue and creates jobs, with due consideration to the environmental and social dimensions.
7. The Parties shall explore the potential of innovative, new and emerging sustainable maritime activities, including tidal energy. They shall establish the necessary regulatory and policy frameworks for future development, supporting research and reducing technical bottlenecks to facilitate access for investors while avoiding risks to the marine environment.
8. The Parties shall support the implementation of blue economy strategies and action plans. They shall facilitate the engagement of the private sector and other stakeholders in the development and implementation of a sustainable blue economy. They shall pay due attention to the development of SIDS, recognising their dependence on the ocean.

ARTICLE 20

Extractive industries and processing

1. The Parties shall promote the extractive industries sector to achieve inclusive and sustainable growth and development and the transformation of African economies. The Parties shall encourage investment in extractive industries and processing, taking into account the principle of countries' sovereignty over natural resources. They shall promote greater integration between African and EU value chains.
2. The Parties shall promote fair, responsible and undistorted access to extractive resources, fully respecting countries' sovereignty over their natural resources, and shall foster sustainable trade between African and EU operators, upholding the rights of affected communities. They shall support the development, harmonisation and implementation of coherent policies and robust regulatory and legal frameworks for the exploration, exploitation, handling, licensing, contracting, taxation, processing and exporting of extractive resources. They shall encourage local MSMEs' participation in the extractive industries sector by facilitating the transfer of skills and technology so as to contribute to their competitiveness, with a view to them becoming full actors in the value chains.

3. The Parties shall promote good governance in the extractive sector for socioeconomic development. They shall strengthen domestic legislation to ensure compliance with internationally recognised principles and guidelines, taking into consideration regional strategies as appropriate. They shall combat tax fraud and tax evasion, and ensure that all operators pay the taxes, fees and royalties due to host countries. They shall use national, regional and international legal means to fight illegal exploitation and trade in mineral resources.

4. The Parties shall support national, regional and international initiatives to improve transparency and accountability in the use and management of extractive resources, including by promoting the Kimberley Process and the Extractive Industry Transparency Initiative and other relevant initiatives on the responsible and sustainable extraction and sourcing of minerals, such as the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.

5. The Parties shall support the development of appropriate legislation and mechanisms, taking into account the needs of artisanal and small-scale miners, local communities and civil society, while fostering their engagement, to ensure the inclusive and sustainable exploitation of extractive resources. They shall promote environmental sustainability, climate-smart practices, decent work conditions, the health and safety of local communities and respect for human rights, in line with international obligations and commitments. They shall cooperate to build the productive capacities of local entrepreneurs in the extractive value chains and artisanal and small-scale miners, and shall encourage social partnerships between mining companies, local communities and other relevant stakeholders. They shall promote national and regional mapping and exploration activities to improve the quality of geological information and geo-data management systems in Africa.

ARTICLE 21

Manufacturing

1. The Parties shall cooperate to foster sustainable manufacturing in Africa, developing tailor-made strategies designed to reduce dependency on low-end primary production and to create value addition at local and regional levels.
2. The Parties shall develop policies to attract more domestic and foreign direct investment in the manufacturing sector. They shall cooperate to support the capacity of MSMEs. They shall promote innovation and advanced manufacturing clusters, networks and partnerships.
3. The Parties shall endeavour to increase the proportion of labour-intensive manufacturing. They shall cooperate to assimilate new and emerging technologies with a view to transforming supply chains and modernising production.
4. The Parties shall support efforts to increase trade in manufactured goods through linkages with markets and trade facilitation, including for enhanced quality standards and infrastructure. They shall strengthen regional integration to unlock Africa's manufacturing potential and improve its competitiveness in global markets.

ARTICLE 22

Services

1. The Parties shall take measures that support the development of a vibrant and robust services sector to pave the way for increased trade in services, exports and investments, and strengthened regional integration and inter-regional cooperation.
2. The Parties shall develop sector-specific policies and measures to address regulatory hurdles, improve institutional and regulatory frameworks and strengthen capacity in the supply of services. They shall support the implementation of the WTO General Agreement on Trade in Services (GATS), deepen regional cooperation, reduce the fragmentation of services markets in Africa, strengthen the generation and analysis of data on trade in services, and support the monitoring of services integration and the impact of reforms in lowering trade costs.
3. The Parties shall cooperate to enhance trade in services, including the movement of natural persons for business purposes between Africa and the EU, with a particular focus on key sectors for their economic growth and development, such as ICT, health, financial services, distribution, tourism, construction and related engineering services, in line with existing international agreements.
4. The Parties shall cooperate to strengthen capacity in the supply of services relating to cultural and creative industries.

ARTICLE 23

Transport

1. The Parties shall cooperate towards achieving modern, safe, secure and sustainable transport systems, enhancing interconnectivity within Africa and between Africa and the EU.
2. The Parties shall improve the overall governance of the transport sector, developing and implementing efficient regulations that allow fair competition within and between transport modes. They shall aim to reduce the environmental impact of transport modes by promoting clean energy through improved fuel standards and energy-efficient technologies.
3. The Parties shall bolster investment to support the further development of transport infrastructures and networks (namely road, air, water, rail), paying particular attention to missing-link infrastructures and their maintenance, taking into account the Programme for Infrastructure Development in Africa. They shall improve access to basic infrastructures for rural and remote communities in order to enhance their socio-economic development. They shall work towards strengthening sustainable port infrastructure and facilities and shall explore the possibility of creating green ports.
4. The Parties shall cooperate in the aviation sector, including by supporting the establishment and strengthening of the single African air transport market. They shall bolster investment, broaden and deepen regulatory cooperation and enhance safety and security and airspace surveillance, including their capability to respond to related threats and risks.

ARTICLE 24

Sustainable energy

1. The Parties shall endeavour to accelerate access to sustainable and affordable energy, to develop resilient energy infrastructures, particularly in rural areas, and to promote the development of renewable energy and efficient energy use. They shall promote the use of the most efficient energy and low-carbon technologies in all sectors, particularly in agriculture, manufacturing, extractive industries and tourism.

2. The Parties shall promote energy security and establish and reinforce effective energy interconnections within Africa and between Africa and the EU, so as to ensure reliable and affordable energy supply. They shall address regulatory, economic, societal and other challenges related to the development of strategic sustainable energy corridors.

3. The Parties shall facilitate open, transparent, competitive and functioning energy markets by adopting legal and regulatory frameworks that drive investment in sustainable energy, energy storage and energy efficiency. They shall phase out environmentally harmful fossil fuel subsidies. They undertake to strengthen the partnership between African and EU private sectors, and the engagement of their public and private sectors, in order to boost investment in sustainable energy generation, energy efficiency and energy access. They shall mobilise investment in a diversified and clean energy mix for electricity, favouring renewable resources. They shall support the implementation of relevant national and regional energy initiatives in Africa, including by contributing to the objectives of the African Renewable Energy Initiative.

4. The Parties shall promote energy efficiency and energy savings at all stages of the energy chain, from generation to consumption. They agree to work towards increasing sustainable energy generation and storage capacity, and to improve transmission and distribution infrastructure by promoting solutions that are safe, sustainable, resource-efficient and climate-smart, and that contribute more effectively to eradicating poverty.

5. The Parties shall support the development and uptake of clean, diverse, cost-effective and sustainable energy technologies, with a focus on renewable and low-emission energy technologies and on energy efficiency and energy saving measures, by strengthening capacities and promoting Africa-EU partnerships, linkages and joint ventures between economic operators. They shall promote joint networks for research and innovation on renewable energy and energy efficiency.

6. The Parties shall support sectoral reforms and the development of appropriate regulatory and policy frameworks to ensure regional interconnectivity and cooperation in the area of energy. They shall strengthen regional power pools as a vehicle for integrated cross-border energy markets and trading.

ARTICLE 25

ICT and the digital economy

1. The Parties shall increase access to open, affordable and secure ICT, including by supporting private and public investments. They shall endeavour to establish the necessary regulatory institutions to license service providers, promote competitive behaviour and ensure the fair treatment of consumers and data and consumer protection.

2. The Parties shall improve access to digital technologies and services, and establish affordable digital connectivity, including through a conducive policy and regulatory framework. They shall improve the business environment and facilitate access to finance and business support services to foster digitally enabled entrepreneurship and mainstream digitalisation, so as to improve the efficiency and effectiveness of interventions in all economic sectors with the objective of achieving inclusive economic growth and transformation.

3. The Parties shall cooperate to create an enabling environment, specifically through the establishment and adaptation of appropriate, legal and institutional frameworks, to unlock the potential of the digital economy, including e-commerce, in job creation and economic development, with a particular focus on women and youth.

4. The Parties shall support the transition towards knowledge-based economies.

ARTICLE 26

Tourism

1. The Parties shall cooperate to create an enabling environment for a balanced and sustainable development of tourism, which fosters economic development, generates employment and promotes the integration of environmental, cultural and social considerations, including by addressing challenges particular to the tourism industry.
2. The Parties shall bolster investment in the promotion and development of tourism products, with due regard to the competitive position of MSMEs. They shall strengthen linkages between tourism and other relevant economic sectors, such as agriculture, forestry, transport, the blue economy, cultural industries and heritage, with a view to optimising the socio-economic benefits of tourism.
3. The Parties shall enhance the protection and promotion of cultural heritage and natural resources, paying particular attention to environmental and wildlife protection. They shall respect the integrity and interests of local communities and maximise their involvement in the process of tourism development, in particular rural and community tourism and ecotourism.
4. The Parties shall develop initiatives that promote sustainable tourism and improve service standards. They shall promote training and exchanges of experiences and share information and statistics of mutual interest in the tourism sector.

CHAPTER 3

SCIENCE, TECHNOLOGY DEVELOPMENT, RESEARCH AND INNOVATION

ARTICLE 27

Science and technology development

The Parties shall strengthen cooperation in the areas of science and technology for mutual benefit, with the aim of promoting social and economic development, tackling global societal challenges and improving regional competitiveness.

ARTICLE 28

Research and innovation

1. The Parties agree to mobilise resources to foster research and innovation activities aimed at supporting inclusive economic growth and development, and the transition towards knowledge-based societies and economies.

2. The Parties shall encourage the development of research infrastructures and facilities. They shall foster basic and applied research, including in the areas of engineering and artificial intelligence, and encourage open data in pursuit of mutually beneficial scientific excellence. They shall promote research undertaken in African universities, institutes and research centres, paying special attention to capacity building and the transfer of technology and know-how. They shall enhance participation in global research, technology development and transfer, innovation and knowledge production.

3. The Parties shall promote and support innovative mobility and training schemes for students, academics and researchers, and build the capacity of higher education institutions to network effectively in research and innovation. They shall encourage dialogue, knowledge exchange and collaboration between the academic community, researchers and innovators, and the private sector, with a view to enhancing productivity and competitiveness and strengthening entrepreneurial ecosystems.

ARTICLE 29

Space and geospatial technology

1. The Parties shall harness the potential benefits of space science, technology, innovation and applications on matters of common interest in the area of civil space activities, such as space research, global navigation satellite systems applications and services, the development of satellite augmentation systems, earth observation and earth science, particularly the use of early warning and surveillance. They shall cooperate to develop a responsible and sustainable space market and industry that promotes and responds to their respective needs.

2. The Parties shall cooperate to conduct activities that exploit space technologies and applications for sustainable development and for the improvement of people's welfare and that address Africa's socio-economic opportunities and challenges taking into consideration the African Space Policy and Strategy. They shall improve access to space-derived data, information, services and products.

TITLE II

HUMAN AND SOCIAL DEVELOPMENT

ARTICLE 30

The Parties shall work towards eradicating poverty in all its forms by 2030, combating inequality, achieving gender equality, and creating the conditions to enable everyone to enjoy a life of dignity, participate in democratic life and make an active contribution to sustainable economic growth. They shall foster social protection, with a view to eradicating poverty and fighting inequalities, and as a means of creating a self-strengthening cycle towards inclusive, equitable and sustainable development. They shall invest in human capital as an integral part of human and social development, and a way to increase the employability of young people for enhanced productivity and entrepreneurship.

CHAPTER 1

HUMAN DEVELOPMENT

ARTICLE 31

Education

1. The Parties shall aim to achieve universal, inclusive and equitable access to quality education at all levels, from pre-school to higher education, including improved enrolment and retention rates. They shall enhance the quality of formal education and non-formal learning, cooperate in curriculum development and improve infrastructure and equipment in education centres. They shall pay particular attention to the specific needs of women and girls, as well as to the most vulnerable and marginalised groups, including persons with disabilities, and those in situations of emergency and fragility.
2. The Parties shall promote the expanded delivery and application of science, technology, engineering and mathematics (STEM) and arts, for all. They shall promote the use of accessible and affordable digital technologies and the development of digital skills and literacy for all.
3. The Parties shall endeavour to boost enrolment and quality in tertiary education, technical and vocational training, and work-based and adult learning, to build a critical mass of skilled innovation workers and highly educated people and to respond effectively to specific economic needs.

4. The Parties shall work together to encourage the recognition and transparency of qualifications, and improved quality assurance and relevance. They shall increase support for specific initiatives to facilitate the mobility of students, staff, academics and researchers between Africa and the EU. They shall foster partnerships between institutions and promote the development and transfer of knowledge.

ARTICLE 32

Health

1. The Parties shall aim at achieving universal health coverage and equitable access to quality essential healthcare services, including through strengthened national health systems and functioning modern healthcare facilities.
2. The Parties shall cooperate to eliminate preventable maternal, child and neo-natal mortality and morbidity. They shall aim to deliver universal access to sexual and reproductive health services. They shall cooperate to address the growing incidence and burden of non-communicable diseases.
3. The Parties shall cooperate to tackle communicable and vector-borne diseases, including neglected tropical diseases. They shall cooperate to address pandemics such as HIV/AIDS, tuberculosis and malaria, and to reduce substantially the rate of resultant deaths. They shall support access to safe and affordable essential medicines, vaccines and diagnostics, including universal access to anti-retroviral treatment for people with HIV/AIDS.

4. The Parties shall strengthen capacity for emergency preparedness and response to detect, prevent and respond to disease outbreaks and other health threats, such as antimicrobial resistance, taking a "one health" approach. They agree to scale up support for national and regional health prevention, surveillance and monitoring systems.

5. The Parties shall cooperate in the promotion of local knowledge and regulation of traditional medicine in public health activities.

ARTICLE 33

Water, sanitation and housing

1. The Parties shall work towards ensuring that everyone has access to modern and liveable habitats with quality basic services.

2. The Parties shall promote access to affordable and decent housing for all in sustainable human settlements, taking account of effective territorial planning and land tenure, and of use and management systems when enacting housing policies. They shall work towards reducing the proportion of people living in slums and shall cooperate to upgrade slums and informal settlements.

3. The Parties shall foster universal access to sufficient, safe, physically accessible and affordable water for personal and domestic use, including through sustainable and integrated water resources and systems management, and more efficient water use and recycling.

4. The Parties shall boost physical, affordable and acceptable access to sanitation for all, in all spheres of life, that is safe, hygienic, secure, and socially and culturally acceptable, and that provides privacy and ensures dignity.

5. The Parties shall increase access to sustainable energy services for all and support efficiency in households' energy usage.

ARTICLE 34

Food security and improved nutrition

1. The Parties shall enhance access to safe and nutritious food with a view to achieving the zero hunger target and eradicating famines and other types of food crises. They shall support the establishment of adequate systems of food supply and storage.

2. The Parties shall fight all forms of malnutrition, including through improved food production and distribution, and better sanitation and environmental conditions. They shall support sustainable agricultural production and productivity, including at the level of small-scale fisheries to unleash their full potential as critical sources for food and nutrition security, by inter alia improved access to finance for small producers and developed irrigation, storage and transport infrastructure to facilitate market access and ensure food product safety and quality.

3. The Parties shall build resilience of the most vulnerable populations to food-related shocks through strengthened social safety nets. They shall enhance coordination between development and humanitarian action, so as to better anticipate, prevent and prepare for famines and other types of food crisis, and ensure timely action to make food locally available.

CHAPTER 2

INEQUALITY AND SOCIAL COHESION

ARTICLE 35

Inequality and social protection

1. The Parties shall promote the development and implementation of policies and systems of social protection and security, in order to eradicate poverty, fight inequalities and enhance social cohesion.

2. The Parties shall support the transformative role of social protection policies and systems, which foster equity, promote social inclusion and dialogue with social partners, and strengthen inclusive, equitable and sustainable economic growth. They shall aim at building progressively universal, nationally owned social protection systems, including through the adoption of minimum social protection floors, with particular attention to persons in vulnerable situations.

3. The Parties shall cooperate in support of attaining and sustaining income growth of the bottom 40 % of the population at a rate higher than the national average.
4. The Parties shall endeavour to ensure that all persons working in the formal sector are provided with social security. They shall also endeavour to boost the number of people in the informal sector and rural economy that have access to social security, with the goal of progressively reaching universality.
5. The Parties shall develop initiatives to support the transition from the informal to the formal economy, including access to credit and micro-finance, and strengthened social protection measures.
6. The Parties shall promote and facilitate dialogue between employers' and workers' organisations in the formal and informal economy, and civil society organisations, including through capacity building.

ARTICLE 36

Decent work

1. The Parties shall support the development and implementation of macroeconomic, employment and social policies that focus on the creation of full and productive employment and decent work for all, particularly for youth and women as well as for vulnerable persons and groups.

2. The Parties shall develop and maintain inclusive and well-functioning labour markets and shall adopt measures that address the informal economy and prevent unfair labour practices.

3. The Parties shall support measures that ensure equal employment opportunities and equal remuneration for work of equal value and guarantee adequate paid parental leave in both the public and private sectors. They shall adopt prevention and protection measures against all forms of discrimination in the workplace, ensure respect for fundamental rights at work and enhance healthy and safe conditions for workers.

4. The Parties shall work towards the elimination of child labour, prioritising the worst forms of it.

ARTICLE 37

Persons with disabilities

1. The Parties shall promote, protect and ensure the full and equal enjoyment of all human rights by all persons with disabilities, in view of the effective implementation of the UN Convention on the Rights of Persons with Disabilities.

2. The Parties shall take measures to ensure the full inclusion in society of persons with disabilities and their participation in all spheres of public and private life, including in democratic and political affairs and decision-making processes. They shall prevent, combat and eliminate any harmful practices and all forms of exploitation, violence and abuse or discrimination against persons with disabilities and shall protect relatives, caregivers or intermediaries from discrimination on the basis of their association with persons with disabilities.
3. The Parties shall promote equal and barrier-free access to social services, transportation and other physical infrastructure as well as to recreational and cultural activities for persons with disabilities, and shall support alternative methods of communication, where appropriate, to enable their full inclusion in society.
4. The Parties shall promote equal access to labour markets, prohibiting any discrimination on the basis of disability with regard to all forms and conditions of employment. They shall support the employment of persons with disabilities in the public and private sectors through targeted policies and incentive measures, including for self-employment and entrepreneurship.

ARTICLE 38

Culture, sport and people-to-people contacts

1. The Parties shall support culture as an engine for sustainable and economic development. They shall create an enabling environment for cultural innovation, diversity and development, as well as for the creation, protection, production and distribution of cultural works. They shall encourage the use of new information and communication technologies to promote their culture.
2. The Parties shall enhance the protection and promotion of tangible and intangible cultural heritage, and the diversity of cultural expression, with a view to enhancing mutual understanding and fostering balanced cultural exchanges.
3. The Parties shall endeavour to promote the mobility of culture professionals and the circulation of works of art, and to carry out joint initiatives in various cultural and creative sectors. They shall encourage intercultural exchanges and dialogue among youth organisations and civil society from Africa and the EU.
4. The Parties shall support the development of creative industries. They shall work towards putting in place support measures with a view to stimulating artistic creation and facilitating exchange of artistic expression.

5. The Parties shall promote sport as a driver for sustainable development, social inclusion, non-discrimination and the advancement of human rights. They shall endeavour to develop adequate facilities and to encourage people's participation in sporting and other physical education activities. They shall also support sport as a means for intercultural dialogue and cooperation between nations, prevention of conflict and violence, and post-conflict reconciliation.

CHAPTER 3

POPULATION AND DEVELOPMENT

ARTICLE 39

Demography

1. The Parties acknowledge the need to manage the opportunities and challenges of demographic change in order to better meet the aspirations and hopes of future generations in Africa and the EU.
2. The Parties shall ensure the systematic collection, analysis, storage and dissemination of statistics and data on all the population in accordance with ethical, confidentiality and privacy standards and shall take data and trends into account in their development plans.

3. The Parties shall empower and invest in youth and women, acknowledging their critical role in demographic processes. They shall promote the human rights of women and youth and shall provide them with the education and skills they need. They shall mobilise investment and unlock economic opportunities, so as to harness the potential of large youth populations.

ARTICLE 40

Gender equality and empowerment of women

1. The Parties shall strengthen cooperation aimed at improving and expanding equal participation and opportunities for all, in all sectors of political, economic, social and cultural life. They shall ensure that the gender perspective is systematically mainstreamed across all policies and programmes.

2. The Parties shall cooperate to promote the human and social development of women and girls. They shall endeavour to remove all barriers in health and education in order to eliminate gender disparities. They shall work towards universal and equal access to formal education and vocational training in order to reach the full potential of women and girls and help realise their aspirations. They shall ensure that learning materials and teaching methods are gender-responsive and shall encourage women and girls to undertake studies in the STEM disciplines.

3. The Parties shall facilitate equal access by women to economic opportunities, employment, credit and financial services, and control over and use of land and other productive assets. They shall support women entrepreneurs, eliminate the gender pay gap and remove discriminatory regulations and practices. They shall take effective measures to identify and take action against acts of sexism and to address root causes of gender discrimination such as negative social norms and gender stereotypes, including in mass media.

4. The Parties shall strengthen the voices of women and girls and their participation in political life through measures to achieve gender parity in electoral, policy and governance processes and in senior government positions, including constitutional bodies and state-owned businesses, and shall promote their active role in peacebuilding and reconciliation efforts.

5. The Parties shall enact and enforce legislation that protects women and girls from all forms of violence, including sexual and gender-based violence, sexual exploitation and abuse, and trafficking.

6. The Parties shall commit to the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences. They shall further stress the need for universal access to quality and affordable comprehensive sexual and reproductive health information and education, taking into consideration the UNESCO international technical guidance on sexuality education, as well as the need for the delivery of relevant health-care services. They shall promote and encourage the ratification and the effective implementation of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, done at Banjul, 26 June 1981 (the "Maputo Protocol"), and support the effective implementation of the Maputo Plan of Action 2016-2030, as appropriate.

ARTICLE 41

Youth

1. The Parties shall support youth entrepreneurship and shall undertake to secure decent employment for young people, including by supporting them in acquiring labour market-relevant skills through education, vocational and technical training, and enhanced access to digital technologies, and to facilitate access to land and credit. They shall establish youth-friendly employment services to connect young people to employment opportunities.

2. The Parties shall cooperate to empower young people and shall work to open space for their active inclusion in decision-making processes and their participation in democratic and political life as well as in peacebuilding and reconciliation efforts. They shall promote policies and programmes for marginalised youth, including youth advocacy programmes, to offer them the opportunity and motivation to reintegrate into society.

3. The Parties shall support initiatives aimed at ensuring access to quality basic services for all children, preventing the recruitment and use of children in conflict situations and ending all forms of violence and harmful practices against children, including child, early, and forced marriage, child labour, child abuse and corporal punishment, with a special focus on children in situations of vulnerability.

ARTICLE 42

Sustainable urbanisation and rural development

1. The Parties shall boost the potential of cities as hubs for sustainable and inclusive growth and for innovation.

2. The Parties shall promote sustainable land-use planning and equitable management of land markets, paying particular attention to transparent and regulated land acquisitions and property rights. They shall also promote sustainable urban mobility and smart, safe cities that make use of opportunities from digitalisation and technologies. They shall integrate sustainable energy production and energy-efficiency solutions, encourage productive use of energy, improve the management of waste and address all forms of pollution. They shall enhance urban mobility solutions and ensure that the provision of services and infrastructure is designed to be climate- and environment-friendly and that resources are used efficiently. They shall build cities' resilience to shocks and harness opportunities for a low-emission and climate-resilient economy.

3. The Parties shall promote a balanced territorial development of rural economies and communities, with a special focus on employment and income generation. They shall accelerate rural diversification through adding value to local products and exploiting natural and cultural resources. They shall promote inclusive, balanced and integrated territorial and urban policies, multi-level governmental coordination actively engaging local authorities and communities, and forging stronger links between rural and urban areas.

TITLE III

ENVIRONMENT, NATURAL RESOURCES MANAGEMENT AND CLIMATE CHANGE

ARTICLE 43

The Parties shall take ambitious action to mitigate and adapt to climate change, protect and improve the quality of the environment, and manage natural resources sustainably, with a view to stopping and reversing climate change and environmental degradation, and attaining sustainable development. They shall adopt specific measures to reduce and prevent loss of biodiversity, maintain and restore ecosystems, protect and fight illegal trade in wildlife, promote the sustainable management of water, land and other natural resources, strengthen ocean governance, combat all forms of pollution, promote sound waste management, and build resilience to natural disasters. They shall work together to prevent climate change impacts and environmental degradation from continuing to act as threat multipliers with serious implications for peace and security. They shall accelerate the transition to greener pathways for development in key economic sectors, promote circular economies and resource efficiency, and support clean and sustainable energy and low-carbon technologies, ensuring that economic growth goes hand in hand with the transition to low emissions and environmental sustainability. They shall endeavour to build effective alliances in international settings, with a view to driving global action forward. They shall build capacity to implement multilateral environmental agreements to which they are party and shall mainstream environmental sustainability, climate change objectives and the pursuit of environmentally sustainable growth in national and local policies, plans and investments. They shall promote the constructive engagement of local authorities, civil society and the private sector, and respect for the rights of all, including indigenous peoples as set out in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and local communities.

CHAPTER 1

ENVIRONMENTAL SUSTAINABILITY AND NATURAL RESOURCES MANAGEMENT

ARTICLE 44

Biodiversity and ecosystems

1. The Parties shall cooperate to ensure that biodiversity and ecosystems are preserved, protected and restored, so that the significant economic, social and cultural services they provide continue to support human well-being and economic growth. They shall develop and implement national biodiversity strategies and action plans in line with the Convention on Biological Diversity and its Protocols.
2. The Parties shall enact legislation and adopt integrated strategies for the incorporation of biodiversity considerations in all relevant sectors. They shall support innovative options, such as nature-based solutions or agro-ecology, as well as valuing ecosystems services, in maximising mainstreaming of biodiversity.

3. The Parties shall take an inclusive approach to address key drivers of habitat loss such as land use change, the expansion of subsistence agriculture, and the development of commercial agriculture, urban areas and energy infrastructures. They shall take measures to control forest exploitation, land clearing for cultivation, fires, grazing by animals and invasive species. They shall protect, conserve and promote the sustainable use and rehabilitation of forests, woodlands, rangelands, wetlands and other areas with vegetation cover. They shall maintain and enhance species and the genetic diversity of plants and animals whether terrestrial, fresh-water or marine.

4. The Parties shall step up their efforts to establish, effectively manage and improve the governance of protected areas for biodiversity conservation.

5. The Parties shall strengthen the involvement of local communities and indigenous peoples, as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), in the conservation of ecosystems, including through the promotion of environment-friendly and sustainable tourism and the creation of jobs and other economic opportunities.

ARTICLE 45

Circular economy

1. The Parties shall prevent or minimise the generation of waste at source. They shall improve product reusability, recyclability and resource efficiency in order to adapt production and consumption to the achievement of a circular economy, including through adequate waste collection and sorting services and environmentally sound recycling initiatives and facilities. They undertake to adopt policies on the circular economy in order to protect the environment and human health, make products more energy- and resource-efficient, broaden consumer choice and improve waste management.

2. The Parties shall establish the necessary domestic regulatory frameworks and enforcement mechanisms for the environmentally sound management of chemicals and waste and for the implementation of relevant multilateral agreements. They shall take the necessary measures to combat dumping and illegal trade in hazardous waste, including radioactive materials, chemical and organic waste, in conformity with the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal, done at Basel on 22 March 1989, and taking into consideration the provisions of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, done at Bamako on 30 January 1991. They shall prevent or minimise hazardous substances in material cycles and manage chemicals in products throughout their lifecycle. They shall support informed decision-making on appropriate measures to protect the environment and human health, including against pollution resulting from inappropriately managed waste, and to remediate associated environmental damage.

3. The Parties shall effectively address all forms of pollution. They shall take measures aimed at the detection, prevention and reporting of pollution. They shall increase efforts to prevent plastic pollution and to remove plastics and micro-plastics from the environment. They shall explore opportunities for strengthened cooperation on combating air pollution. They shall raise awareness of the public health and environmental risks of pollution and the multiple benefits of improved air quality, including through public outreach campaigns.

ARTICLE 46

Ocean governance

1. The Parties shall strengthen ocean governance in accordance with the UN Convention on the Law of the Sea (UNCLOS) to ensure safe, secure, clean and sustainably managed oceans, reducing the pressures on oceans and seas and promoting the sustainable development of the blue economy and strengthening ocean knowledge.

2. The Parties shall ensure the conservation and sustainable management and use of living marine resources at bilateral, regional and multilateral levels, particularly in the context of sustainable fisheries partnership agreements and regional fisheries management organisations.

3. The Parties shall maintain or adopt initiatives to combat illegal, unreported and unregulated (IUU) fishing, including, where appropriate, the implementation of policies and measures to exclude IUU products from trade flows. They shall promote and effectively implement and enforce monitoring, control and surveillance measures, such as observer schemes, vessel-monitoring systems, fishing licences and authorisations, catch recording and reporting, transshipment control, inspections and port state control as well as associated measures to ensure compliance, including sanctions according to domestic regulations, aimed at the conservation of fish stocks and the prevention of overfishing.

4. The Parties agree to take the necessary steps to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, to eliminate subsidies that contribute to IUU fishing and to refrain from introducing such new subsidies, recognising that appropriate and effective special and differential treatment for African developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiation.

5. The Parties shall reduce the pressures on the oceans by protecting, preserving and restoring coastal and marine ecosystems, valorising marine and coastal natural capital and fighting marine pollution, including oil spills, the destruction of the seabed, noise pollution and marine litter, including plastics and micro-plastics from land- and sea-based sources. They shall support and strive for the regulation of greenhouse gas (GHG) emission reductions from ships and shall actively support the urgent implementation of the initial International Maritime Organization strategy on reduction of GHG emissions from ships. They shall scale up ocean and coastal clean-up operations, paying particular attention to accumulation zones in ocean gyres.

6. The Parties shall take actions related to oceans that contribute to climate change mitigation and adaptation.
7. The Parties shall develop measures related to the conservation and sustainable use of marine biodiversity on the basis of the best available scientific information.
8. The Parties recognise the general concerns raised about the impact of seabed mining on the marine environment and its biodiversity. They shall use the best available science, apply the precautionary principle and ecosystem approach, promote research and share best practices in fields of mutual interest related to seabed mineral resources, in order to ensure sound environmental management of activities for the protection and preservation of the marine environment and its biodiversity.

ARTICLE 47

Land management and land degradation

1. The Parties shall cooperate to prevent land degradation and to develop long-term integrated strategies for the conservation and sustainable management of land.

2. The Parties shall promote integrated approaches and adopt measures for the conservation and improvement of soil. They shall combat soil erosion and degradation, and the deterioration of its physical, chemical and biological properties. They shall address pollution caused specifically by agricultural activities, including aquaculture and animal husbandry. They shall ensure sustainable and equitable land rights and tenure and sustainable land, water and forest resource management, and shall create sustainable economic opportunities for people living in rural areas. They shall ensure that non-agricultural forms of land use, including but not limited to public works, mining and the disposal of waste, do not result in erosion, pollution or any other form of land degradation.

3. The Parties shall take measures for effective land-use planning and infrastructure that strengthen resilience in hazard-prone countries, while enhancing disaster-response capabilities. They shall plan and implement mitigation and rehabilitation measures based on best practices, best scientific knowledge and local knowledge and experience in areas affected by land degradation.

ARTICLE 48

Forests

1. The Parties shall promote sustainable forest management and use of forest resources. They shall halt deforestation and forest degradation, and combat illegal logging and associated trade.

2. The Parties shall support forest landscape restoration initiatives to reverse deforestation, establish forest reserves, restore degraded forest landscapes, carry out afforestation programmes where necessary and limit forest grazing to seasons and intensities that will allow forest regeneration.
3. The Parties shall promote sustainable value chains of agriculture and forest commodities, prioritising the creation of jobs and other economic opportunities in the conservation of ecosystems.
4. The Parties shall support the implementation of the EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan, including by concluding and implementing voluntary partnership agreements. They shall strengthen coherence and positive interactions at country level between the FLEGT Action Plan and the Warsaw Framework for Reducing Emissions from Deforestation and Forest Degradation (REDD+).
5. The Parties shall strengthen the involvement of local authorities and communities in forest protection. They shall raise public awareness of deforestation at all levels and encourage the consumption of resource- and energy-efficient products from sustainably managed forests. They shall promote and support the use of alternative and sustainable cooking fuel for local populations.

ARTICLE 49

Wildlife

1. The Parties shall support *in situ* conservation of Africa's key landscapes for biodiversity conservation, particularly trans-border protected areas that are habitats for key wildlife species, and enable adequate connectivity to allow for wildlife migration and species-range adaptation to climate change. They shall also strengthen agencies responsible for protected areas and promote the involvement of rural communities in the sustainable management of wildlife and woodlands.

2. The Parties shall combat wildlife trafficking by supporting the formulation and enforcement of policies and laws to make it a serious crime, strengthening anti-poaching measures and law enforcement monitoring, and promoting international coordination in the context of the International Consortium to Combat Wildlife Crime (ICWC), including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), done at Washington on 3 March 1973, and other relevant international frameworks. They shall raise public awareness, educating and influencing consumers, destroy stockpiles and promote high-profile diplomacy and advocacy.

3. The Parties shall support efforts to promote sustainable consumption of bush-meat, while developing affordable alternative sources of protein and developing sustainable livelihoods.

ARTICLE 50

Water and freshwater management

1. The Parties shall manage their water resources in a sustainable manner, with a view to maintaining high levels in terms of quantity and quality. They shall promote integrated water resources management and implement policies for the planning, conservation, management, use and development of underground and surface water, and for the harvesting and use of rainwater. They shall protect and restore water sources and ecosystems, prevent water pollution, collect and treat wastewater, and enable environmentally sound urban development. They shall optimise the contribution of the water sector in order to mitigate and adapt to climate change.

2. The Parties shall promote cooperation for transboundary water-resource management, with a view to achieving freshwater sustainability, preventing land degradation and desertification, building resilience to water-related hazards, for example floods, droughts and pollution, including through water collection and storage systems, and preventing the risks of conflicts.

3. The Parties shall support sustainable water management and good water governance at all levels. They shall strengthen dialogue and encourage partnerships between public authorities, the private sector and civil society.

4. The Parties shall promote the sustainable exploitation and management of freshwater fisheries with a view to maintaining healthy fish stocks and minimising any negative impacts on the natural environment. They shall combat IUU fishing that is in violation of domestic laws. They shall strengthen capacities, promote regional cooperation, and adopt measures to improve the management and governance of freshwater fisheries at national and regional levels. They shall mainstream climate change mitigation and adaptation in freshwater fisheries and aquaculture, promote the restoration and conservation of aquatic ecosystems and their biodiversity, and combat all forms of pollution affecting lakes and rivers.

CHAPTER 2

CLIMATE CHANGE AND NATURAL DISASTERS

ARTICLE 51

Climate action

1. The Parties shall pursue the objectives and be guided by the principles of the UN Framework Convention on Climate Change. They shall enact comprehensive and inclusive domestic climate policies and programmes to accelerate the implementation of the Paris Agreement.

2. The Parties shall formulate, communicate and maintain successive and ambitious nationally determined contributions (NDCs), develop and implement ambitious national adaptation plans, as appropriate, develop long-term visions towards low emissions and climate-resilient development, and invest in climate change mitigation and adaptation capacities. They shall develop monitoring, reporting and verification as well as evaluation systems to track progress on climate action.

3. The Parties shall design long-term strategies to reduce emissions arising from the transport sector (road, aviation and maritime). They shall promote smart urban mobility and foster the implementation of policy approaches and positive incentives for reducing emissions from unsustainable land management, deforestation and forest degradation. They shall engage in promoting renewable energy and energy efficiency and encourage countries to engage in energy transition. They shall phase out inefficient fossil fuel subsidies that encourage wasteful consumption and minimise the possible adverse impacts on their development, in a manner that protects the poor and the affected communities. They shall strengthen international cooperation to conserve and enhance, as appropriate, GHG sinks and reservoirs.

4. The Parties shall promote an ambitious phase-down of hydrofluorocarbons under the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal on 16 September 1987, by cooperating to support the ratification of the Kigali Amendment thereto and shall work towards ensuring its swift implementation to achieve an ambitious global phase-down of the production and consumption of hydrofluorocarbons.

5. The Parties shall recognise and act on the threat that climate change and environmental degradation pose to peace and security, particularly in situations of fragility and in the most vulnerable countries. They shall take measures for and work together in strengthening adaptation and resilience measures to ensure conflict prevention through early-warning systems, taking into account the security challenges linked to adverse effects of climate change and environmental risk factors, and strengthen the link between early warning and early action across policy areas, including through risk and impact assessments.
6. The Parties shall aim at averting, minimising and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow onset events, in their domestic and international efforts, and, in that context, shall recognise the important role of sustainable development in reducing the risk of loss and damage.
7. The Parties shall take action to align financial flows with a pathway towards low GHG emissions and climate-resilient development.
8. The Parties shall aim at enhancing knowledge and capacity on policy options and instruments and best practices to improve resource efficiency along the entire life-cycle of natural resources and products. They shall work together towards strengthening scientific and technical, human and institutional capacity for climate action and environmental management and monitoring at all relevant levels, with particular attention to the most vulnerable countries. They shall promote the use of space technologies and information systems.

9. The Parties shall strengthen coordination across all levels of governance to encourage and enable local authorities to make and implement ambitious climate and energy commitments. They shall promote synergies between public administration, civil society organisations and private businesses and foster participation of the private sector towards a low GHG emission and climate-resilient economy, including through joint research. They shall promote existing initiatives such as the Global Covenant of Mayors for Climate and Energy and shall support the implementation of their action plans.

ARTICLE 52

Drought and desertification

1. The Parties shall combat desertification through improvement in land governance, the fight against land degradation and the sustainable management of land and water. They shall accelerate progress towards the implementation of the national action plans and the land degradation neutrality targets of the UN Convention to Combat Desertification, done at Paris on 17 June 1994, as well as other relevant international and regional initiatives, including the Great Green Wall initiative.

2. The Parties shall cooperate to prepare for and respond to emergencies caused by drought and shall work to increase resilience to environmental degradation, desertification, related health threats and humanitarian crises by addressing factors that cause vulnerability.

ARTICLE 53

Resilience to natural disasters

1. The Parties shall cooperate to build the resilience of people, societies and infrastructure to natural disasters, taking into account the impact of climate change. They shall promote the exchange of information and good practices on the implementation and monitoring of the Sendai Framework for Disaster Risk Reduction 2015-2030 through national and local integrated strategies.
2. The Parties shall promote disaster risk management, including the comprehensive assessment of risks, the implementation of risk reduction plans at all levels, strengthening the link between disaster risk reduction and climate change adaptation, and the collection and use of disaster statistics and loss data. They shall promote the development of a culture of risk prevention and financial protection, including through appropriate and innovative tools such as risk transfer mechanisms.
3. The Parties shall prepare for and respond to emergencies caused by extreme weather events and natural disasters such as floods and rising sea levels, coastal erosion and silting. They shall cooperate to assess and alleviate the impact of extreme weather events and natural disasters.
4. The Parties shall strengthen capacity for regional disaster and emergency response, including civil protection mechanisms, and the capacity of local communities and institutions, focusing on the most vulnerable and marginalised households and groups.

5. The Parties shall support the use of space technologies and information systems to improve prevention, preparedness, response and recovery measures.

TITLE IV

PEACE AND SECURITY

ARTICLE 54

The Parties shall foster cooperation and coordination at regional, inter-regional, continental and global levels in the promotion and maintenance of peace and security in Africa and Europe. They shall buttress joint efforts and mechanisms to secure peace, prevent and combat terrorism and violent extremism, address all forms of organised crime and security threats, and enhance maritime security, taking account of the complexity of all those challenges and the need to address their root causes. They shall cooperate to ensure sustainable financing for all peace and security activities.

ARTICLE 55

Regional and multilateral cooperation

1. The Parties shall strengthen dialogue and institutional cooperation to address peace and security challenges. They shall strengthen support for a more efficient operationalisation of APSA, as envisioned in Agenda 2063. They shall encourage synergies between APSA and AGA in line with the AU's reform agenda.
2. The Parties shall support efforts of the AU and the RECs and regional mechanisms and other regional security cooperation arrangements in achieving peaceful, inclusive and resilient societies. They shall strengthen cooperation between the AU, the EU and the UN, and multilateral cooperation with other relevant international and organisations and third countries, as appropriate.
3. The Parties shall promote local ownership, inclusiveness, resilience and sustainability of all actions, engaging with national and local authorities, communities and civil society.

ARTICLE 56

Conflicts and crises

1. The Parties shall work towards ensuring the peaceful resolution of all inter- and intra-state conflicts in Africa. They shall implement an integrated approach to conflicts and crises compliant with international human rights law and international humanitarian law, deepening their strategic cooperation and enhancing joint action in all phases of the conflict cycle, from prevention and early-warning to lasting peacebuilding, through mediation, crisis management, stabilisation, as well as security sector reform.

2. The Parties shall support initiatives and mechanisms to prevent conflicts and avoid endangering peace and security. They shall take coordinated action to address the root causes of conflicts and crises, tackle the risks of emerging and escalating violent conflicts, and reinforce support for diplomatic initiatives, mediation efforts and multi-party dialogue to resolve disputes and conflicts by peaceful means. To that end, they shall support the full operationalisation of the Continental Early Warning System.

3. The Parties shall cooperate in the areas of crisis management and peaceful conflict resolution, including through cooperation between African-led peace support operations, EU crisis management operations and UN peacekeeping operations, where such operations are deployed in the same zone.

4. The Parties shall cooperate in relation to post-conflict stabilisation, consolidate and support the implementation of crisis settlement processes, accompany constitutional and electoral processes, and promote transitional justice, reconciliation processes and reintegration measures for victims of armed conflicts and wars. They shall support the rehabilitation and reconstruction of areas devastated by war.

5. The Parties shall promote the Women, Peace and Security (WPS) and the Youth, Peace and Security (YPS) agendas and shall strengthen the active role of women and youth in peace and security, from early warning, mediation, resolution of conflicts, peacebuilding and peacekeeping, in line with the relevant UN Security Council Resolutions (UNSCRs), notably UNSCRs 1325 (2000) and 2250 (2015), as well as AU and EU policies and decisions.

ARTICLE 57

Terrorism, violent extremism and radicalisation

1. The Parties shall prevent and combat terrorism in all its forms, addressing those factors that may create an environment conducive to violent extremism and radicalisation, including through fostered religious tolerance and inter-religious dialogue, and responding to the challenges posed by the links between terrorism and transnational organised crime, in full respect of the rule of law and international law, including human rights law, refugee law and international humanitarian law.

2. The Parties shall enhance cooperation to enable individuals and communities to prevent and increase resilience against acts of terrorism, violent extremism and radicalisation. They shall endeavour to engage with all relevant stakeholders, including youth, religious leaders and civil society, to promote mutual understanding, diversity and inter-faith dialogue, to identify tailor-made interventions, and to counter online and offline recruitment, radicalisation and incitement to commit terrorist acts. They shall cooperate on enhanced support for the victims of terrorism.

3. The Parties shall cooperate towards the implementation of all relevant resolutions of the UN Security Council, including UNSCRs 2396 (2017) and 2462 (2019), and the UN General Assembly, and of international conventions and instruments, including the UN Global Counter-Terrorism Strategy and the UN Plan of Action to Prevent Violent Extremism.

4. The Parties shall intensify efforts in exchanging information and expertise on terrorist groups and their support networks, fully respecting the rule of law and international human rights law. They shall support initiatives for law enforcement cooperation and strengthen capacity to fight terrorism in a human rights compliant manner, including through training and professionalisation of security forces. They shall cooperate to suppress the financing of terrorism by identifying, detecting, confiscating and freezing or seizing any funds and any other assets used or allocated for the purpose of committing a terrorist act.

5. The Parties shall prevent perpetrators of terrorist acts, violent extremism and radicalisation from acquiring weapons of mass destruction.

ARTICLE 58

Organised crime

1. The Parties shall tackle all forms of organised crime, in particular, trafficking in persons, small arms and light weapons, illicit drugs, hazardous materials, cultural goods and wildlife, as well as environmental crime, through enhanced border control management, information and data gathering and sharing, and the exchange of expertise and technical assistance. They shall adopt legislative and other measures in compliance with the UN Convention against Transnational Organized Crime and its supplementing Protocols.

2. The Parties shall appropriately address trafficking in persons, in line with the standards of the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. They shall prevent trafficking in persons by strengthening law enforcement and judicial cooperation to counter impunity for all perpetrators involved in the trafficking chain, and by discouraging the demand behind all forms of exploitation. They shall ensure appropriate protection of victims, taking into account the gender specificity of the crime, with women and girls disproportionately targeted and mainly for sexual exploitation.

3. The Parties shall adopt legislative and other measures to prevent and combat migrant smuggling by strengthening law enforcement and judicial cooperation to investigate and prosecute the smuggling of migrants and related crimes in compliance with the UN Convention against Transnational Organized Crime and its supplementing Protocols, including the Protocol against the Smuggling of Migrants by Land, Sea and Air.

4. The Parties shall strengthen cooperation with a view to preventing and combating the use of their financial institutions and designated non-financial businesses and professions to finance terrorism and launder the proceeds of criminal activities, including corruption. They shall exchange information and enforce the proper measures to fight against money laundering and terrorism financing to ensure the full and effective implementation of the Financial Action Task Force recommendations. They shall support the establishment of national asset recovery legislation and bodies, as well as the confiscation of criminal assets and their mobilisation for public benefit purposes extending criminal liability of crime perpetrators and facilitators and ensuring the disruption of illicit financial flows, depriving criminals from profits.

5. The Parties shall enact legislation and develop initiatives to tackle crime, including urban crime and violence. They shall promote firearms control with a view to preventing and reducing the negative effects of armed violence on society and people and creating a safe environment for sustainable development. They shall combat all forms of violence and shall support victims of violence.

ARTICLE 59

Small arms and light weapons

1. The Parties shall promote the effective implementation of the Arms Trade Treaty and the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. They shall support the Action Plan for the Implementation of the African Union Strategy on the Control of Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons, and the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.
2. The Parties shall cooperate against the illicit proliferation and trafficking of small arms and light weapons that sustains armed conflict and terrorism and fuels armed crime such as cattle rustling and poaching, including through improved stockpile management, destruction of surplus weapons and ammunition, marking, record-keeping and tracing, and export and import controls.

ARTICLE 60

Cybersecurity and cybercrime

1. The Parties shall endeavour to develop and implement legislation and measures to uphold an open, free, secure, stable, accessible and peaceful information and communications technology environment. They shall work to promote the development and implementation, within the framework of the UN, of internationally accepted norms of responsible behaviour in cyberspace, in full compliance with international human rights obligations.
2. The Parties shall cooperate to prevent and combat cybercrime and the distribution of illegal content online. They shall exchange information on the education and training of cybercrime investigators, the investigation of cybercrime and digital forensic science, while ensuring a high level of data protection. They shall promote a culture of cybersecurity and shall cooperate to prevent and fight cybercrime, building on existing international norms and standards, including those of the Budapest Convention on Cybercrime and the AU Convention on Cyber Security and Personal Data Protection.

ARTICLE 61

Illicit drugs

1. The Parties shall strengthen the balanced, integrated and evidence-based approach of their drugs policies. They shall endeavour to prevent and counter the cultivation, production and trafficking of illicit drugs and psychoactive substances, including by adopting more effective drug-related crime prevention and law enforcement measures, in conformity with applicable international human rights obligations.
2. The Parties shall intensify and accelerate efforts on the demand side, engage in prevention and education programmes, and take the necessary measures to address the health and social impacts of drugs. They shall foster dialogue with relevant stakeholders, including civil society, the scientific community and academia, in order to effectively address illicit drug use.

ARTICLE 62

Maritime security

1. The Parties shall take initiatives at national, regional and continental levels that contribute to the advancement of maritime security, notably in the Red Sea, the Horn of Africa, the Indian Ocean and the Gulf of Guinea. They shall foster cooperation between the AU, the EU and the UN, and with regional and sub-regional organisations, and encourage complementarity of efforts.

2. The Parties shall cooperate to combat all kinds of transnational organised crime at sea, including trafficking in persons, small arms and light weapons, illicit drugs and wildlife, and the smuggling of migrants. They shall deter, prevent and repress acts of piracy and armed robbery at sea, including thefts of oil and gas, with a view to ensuring secure and open trade routes.
3. The Parties shall increase multilateral efforts to respond effectively to crimes committed on the high seas. They shall develop measures to enhance coastal states' and regional organisations' law enforcement capacity and ownership, and shall promote regional coordination and information exchange to tackle maritime threats and counter different forms of crime committed at sea.
4. The Parties shall develop and enhance inter-regional information-sharing mechanisms and shall encourage maritime surveillance and domain awareness and cooperation between coast guards and navies of coastal states.
5. The Parties shall promote and respect the freedom of the high seas, the freedom of navigation and other principles, rights and obligations laid down in international law, while promoting the universal application of UNCLOS, as well as other relevant international legal instruments.

ARTICLE 63

Law enforcement cooperation

1. The Parties shall strengthen dialogue and cooperation on law enforcement, including through strategic cooperation between AU bodies such as AFRIPOL and EU bodies such as EUROPOL, to facilitate the prevention, detection, investigation and prosecution of activities of transnational organised criminal and terrorist networks in the Africa region and the EU.
2. The Parties shall cooperate in the area of search and rescue and in other emergency situations, and shall encourage states to conclude bilateral agreements in that context.
3. The Parties shall enhance cooperation on integrated border management and improve information and data gathering and sharing.
4. The Parties agree to work to enhance police capacities, including through targeted police training programmes at strategic, operational and tactical levels, adapted to the realities of the African context.

TITLE V

HUMAN RIGHTS, DEMOCRACY AND GOVERNANCE

ARTICLE 64

The Parties shall promote resilient, sustainable and inclusive societies rooted in accountable, effective and transparent institutions and decision-making processes at all levels, where human rights, fundamental freedoms, the rule of law and democratic principles are respected, promoted and fulfilled. They shall work to accelerate progress towards gender equality. They shall ensure an open and enabling space for individuals and civil society to voice their aspirations and concerns, express their opinions and make contributions to all political, economic, social and cultural matters, contributing to increasing confidence in public institutions.

ARTICLE 65

Human rights

1. The Parties shall enact and implement legislation that contributes to the protection, promotion and fulfilment of human rights, whether they are civil, political, economic, social or cultural. They shall support the ratification, domestication and implementation of the African Charter on Human and Peoples' Rights, as well as the AGA instruments.

2. The Parties shall apply in full the principle of non-discrimination based on any ground including sex, ethnic or social origin, religion or belief, political or any other opinion, disability, age, or other status, while prioritising the adoption of comprehensive equality and anti-discrimination law. They shall take steps to achieve full enjoyment of all human rights by women and girls and their empowerment, including by encouraging the signing, ratification, where still needed, and implementation of the Maputo Protocol. They shall make every effort to promote and protect the rights of the child, including by encouraging the signing, ratification, where still needed, and implementation of the African Charter on the Rights and Welfare of the Child. They shall adopt measures to promote the full enjoyment of human rights by persons belonging to minorities, persons with disabilities and persons with albinism, as well as indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

3. The Parties shall effectively fight against impunity, ensuring the rule of law and the independent, impartial and effective functioning of the justice system. They shall guarantee the right of victims and survivors to adequate, effective and prompt reparation.

4. The Parties shall support the African human rights system, notably the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights, in guiding African states to comply with international human rights law obligations. They shall observe and preserve the integrity and independence of those bodies and shall ensure that all African states respect the judgements of the African Court on Human and Peoples' Rights.

5. The Parties shall strengthen the capacity of civil society and protect human rights defenders acting at national, regional and continental level. They shall cooperate to raise awareness on human rights, including through cooperation with national human rights institutions, education systems and the media.

ARTICLE 66

Gender equality

1. The Parties shall ensure equality before the law and equal access to justice, protection and benefit of the law for all. They shall take measures aimed at ensuring, improving and expanding equal participation and opportunities in all spheres of political, economic, social and cultural life. They shall ensure that the gender perspective is systematically mainstreamed across all policies and programmes.

2. The Parties shall cooperate to prevent and eliminate all forms of sexual and gender-based violence, discrimination and harassment, as well as domestic violence, and shall combat trafficking in persons. They shall undertake all necessary measures to mobilise a concerted drive to end child, early and forced marriage, female genital mutilation and cutting and other harmful practices that discriminate against women and girls. They shall provide support to victims and survivors of all forms of violence. The Parties commit to the full, effective and non-discriminatory implementation of the Convention on the Elimination of All Forms of Discrimination against Women, done at New York on 18 December 1979, as well as its Optional Protocol.

3. The Parties shall ensure that women's and girls' social rights are respected and promoted, notably by removing all barriers in the area of quality education and health and eliminating gender disparities. They shall reinforce the economic rights of women and girls.

4. The Parties shall ensure that the legislation in place recognises women's and girls' right to fully participate in all domains of public life and create conditions and opportunities for women to take up equal positions, including in political leadership and decision-making. They shall strengthen the role of women and advance their participation at all levels in the field of peace and security, as well as prevention and resolution of conflicts, violence and extremism.

ARTICLE 67

Democracy

1. The Parties shall promote and strengthen the universal values and principles of democracy. They shall protect the separation of powers, promote political pluralism and strengthen transparency, participation and confidence in democratic processes as well as trust between political leaders and the people, including by supporting the ratification and implementation of the African Charter on Democracy, Elections and Governance.

2. The Parties shall ensure the integrity of electoral processes by guaranteeing inclusive, transparent and credible elections respecting electoral cycles and constitutional provisions, with due respect for sovereignty. They shall promote international and regional standards and best practices in the management of elections as well as strengthen independent and impartial election commissions, ensuring a level playing field between all political parties and candidates. They shall enhance cooperation on electoral observation, including follow-up on electoral observation recommendations, as appropriate, and shall strengthen cooperation with the AU and the RECs. They shall strengthen national mechanisms that redress election-related disputes in a timely manner.
3. The Parties shall strengthen the capacity of elected parliaments to perform their legislative, budgetary and oversight roles, respecting the prerogatives of all their members.
4. The Parties shall enact domestic laws and regulations recognising different levels of government that have the mandate to exercise their competencies in accordance with delegated powers. They shall strengthen local administration and decentralise power to democratically elected local authorities as provided for in national laws.
5. The Parties shall promote inclusive and pluralistic societies. They shall remove any restrictions to freedom of association, freedom of expression and freedom of peaceful assembly. They shall preserve and broaden an enabling space for civil society in advocacy and policy shaping, as well as ensuring free and independent media, to hold governments to the highest levels of transparency and accountability in the management of public affairs. The Parties shall foster constructive state-citizen relations and shall raise awareness of democratic principles and human rights, including through education systems and the media.

ARTICLE 68

Rule of law and justice

1. The Parties shall cooperate in consolidating the rule of law and strengthening institutions at all levels in the administration of justice. They shall uphold the independence of the judiciary and aim to ensure the independent, impartial and effective functioning of the justice system and to enhance citizens' effective and equitable access to justice and legal aid.

2. The Parties shall prevent, condemn and eradicate all forms of torture and other cruel, inhuman or degrading treatment and punishment by state and non-state actors in all contexts, including in the contexts of terrorism, crisis management and migration, while supporting the ratification and effective implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on 10 December 1984, and its Optional Protocol.

3. The Parties shall ensure that violations and abuses of international human rights law and violations of international humanitarian law, including war crimes, crimes against humanity and genocide, as well as the recruitment of child soldiers and sexual and gender and identity-based violence, are properly investigated and prosecuted. They shall strengthen domestic legislation and domestic judicial systems, including through effective inter-state cooperation and mutual legal assistance for States wishing to conduct domestic prosecutions of the most serious international crimes.

4. The Parties shall facilitate justice reforms, ensuring modernised, transparent and efficient court systems and procedures, providing adequate training and improving access to legislation, case-law and other legal information, modernising penitentiary systems and maximising their rehabilitative role, and tackling human rights violations by security forces.

ARTICLE 69

Good governance

1. The Parties shall support efforts to consolidate good governance by promoting democratic culture and practices, building and strengthening accountable, transparent and responsive governance institutions at all levels, and inculcating political pluralism, transparency and tolerance. They shall support the full implementation of the AGA instruments and encourage effective coordination and harmonisation of governance policies among African states.

2. The Parties shall enhance the ability of governments at all levels to deliver quality public services, to ensure effective, transparent, accountable and inclusive public administration, to promote the impartiality and effectiveness of law enforcement bodies and to foster citizens' participation and access to public information.

3. The Parties shall support the use of digital technologies and accelerate the deployment of user-friendly and simplified e-governance solutions as a means to enhance access to and the availability of public information and services, and to improve transparency and accountability, while preventing abuse and promoting and protecting human rights and fundamental freedoms.

ARTICLE 70

Public administration, statistics and personal data

1. The Parties shall build capacities for policy design and implementation, develop a professional and efficient civil service, improve legislative and governance mechanisms and strengthen the ability of governments to deliver quality public services.

2. The Parties shall ensure impartiality, fairness, due process, and continuity in the delivery of public services, and support institutions that are accountable, inclusive and transparent with respect to the delivery of effective and efficient public services, including by promoting the African Charter on Values and Principles of Public Service and Administration.

3. The Parties shall support the production, storage, management and dissemination of statistical data and information at national, regional and continental levels, including by promoting the African Charter on Statistics as the policy framework for statistics development in Africa. They shall develop robust, secure and inclusive identification systems to ensure the provision of a legal identity for every citizen, including by strengthening the system of civil registration and vital statistics.

4. The Parties shall ensure a high level of protection of every individual's right to privacy with respect to the processing of personal data, in accordance with existing multilateral standards and international legal instruments and practices. They shall endeavour to maintain strong data protection regimes and to ensure their effective enforcement through independent supervisory authorities.

ARTICLE 71

Corruption

1. The Parties shall establish and strengthen legislation, institutions and other measures to prevent and combat corruption in all its forms, fraud, financial corporate crimes and related offences in the public and private sectors, including by implementing and promoting relevant international standards and instruments, notably the UN Convention against Corruption, done at New York on 31 October 2003. They shall adopt legislative and other measures that are required to prevent corruption and to ensure that corruption legislation is effectively enforced, that impartial investigations and prosecutions are conducted and that effective, proportionate and dissuasive sanctions for corruption and corruption-related crimes are applied. They shall adopt legislative and other measures to provide effective protection from potential retaliation, including in the work-related context, and from intimidation of whistle-blowers who report on corruption and related offences and of witnesses who give testimony about such offences, including the protection of their identities.

2. The Parties shall adopt legislative measures to enable the freezing and confiscation of proceeds and instrumentalities, or of other property the value of which corresponds to that of such proceeds and instrumentalities, derived from acts of corruption and related offences. They shall cooperate to recover such proceeds and instrumentalities and to return them to their prior legitimate owners in the country of origin, in accordance with the UN Convention against Corruption. They shall adopt legislative and other measures to combat the laundering of the proceeds of corruption.

3. The Parties shall ensure transparency and accountability in the management of public resources, including recovered and returned assets. They shall encourage actions that support the values of a culture of transparency, integrity and legality and a change in people's attitudes to corrupt practices. They shall strengthen the capacity and expertise of public administration in fighting corruption. They shall promote the establishment of specialised bodies in the field of anticorruption.

4. The Parties shall cooperate in the investigations of acts of corruption and related offences, including when committed in international business transactions.

ARTICLE 72

Financial governance

1. The Parties shall promote sound public financial management, including effective and transparent domestic revenue mobilisation, budget management and the use of public revenues in line with the principles of the Addis Tax Initiative. They shall promote sustainable public debt management, sustainable procurement systems and support for national oversight bodies.
2. The Parties shall improve the governance and revenue management of natural resources, enabling communities and societies to thrive from their use, including through compliance with the Extractive Industries Transparency Initiative and the Kimberley Process.
3. The Parties shall combat tax fraud, tax evasion, tax avoidance and illicit financial flows and shall strengthen asset recovery. They shall work towards ensuring the efficiency, effectiveness, certainty, transparency and fairness of tax systems.
4. The Parties shall take concrete measures, including by enacting legislation, and strengthen relevant institutions and mechanisms to implement the principles of good governance in the tax area.

TITLE VI

MIGRATION AND MOBILITY

ARTICLE 73

The Parties shall adopt a comprehensive and balanced approach to address migration. They reaffirm their commitment to protect the human rights of all refugees and migrants and shall address migration in a spirit of solidarity, genuine partnership, shared responsibility, and in accordance with their respective competences, as well as in full respect of international law, including international human rights law. They acknowledge that African and European interests on migration are intertwined and that, when well-managed, migration and mobility can be a source of prosperity, innovation and sustainable development. They shall engage in dialogue and cooperate on all aspects linked to legal and irregular migration, including by taking concrete measures on legal migration, stemming irregular migration and tackling its root causes, preventing and combating the smuggling of migrants, addressing trafficking in persons, saving lives and ensuring protection, strengthening diaspora engagement and investment for sustainable development, maximising the impact of remittances, enhancing cooperation on return, readmission and sustainable reintegration of returnees, as well as paying particular attention to persons in vulnerable situations, such as women, children and unaccompanied minors, and to their specific needs. The Parties agree to cooperate in pursuing an integrated border management approach to facilitate the legitimate movement of people across the borders and stem irregular migration. They shall deepen cooperation and dialogue building on existing initiatives, notably the follow-up to the Joint Valletta Action Plan, the Rabat and Khartoum Processes, and the AU-EU Continent-to-Continent Migration and Mobility Dialogue. The Parties shall encourage triangular cooperation between sub-Saharan, Mediterranean and European countries on migration-related issues. The Parties shall foster dialogue in addressing all migration issues and shall cooperate to foster appropriate and relevant response strategies.

ARTICLE 74

Legal migration and mobility

1. The Parties shall endeavour to increase knowledge transfer and sharing and enhance mobility schemes that facilitate academic exchanges for students, researchers, academic professionals and institutions.
2. The Parties shall endeavour to facilitate visits for business and investment purposes.
3. The Parties shall aim to develop pathways in accordance with their respective competences, towards the effective management of labour migration and mobility, including appropriate social protection measures and the fight against all forms of exploitation.
4. The Parties shall cooperate to improve transparency and comparability of qualifications, with the aim of facilitating their recognition as well as their acceptance in the labour market.
5. The Parties shall dialogue, as appropriate, on procedures guiding portability of pension rights for legally residing migrants.
6. The Parties shall cooperate on awareness raising campaigns related to legal migration in order to inform the decisions of migrants and inform them on the possibilities regarding safe and legal migration pathways. They shall also make available information about possibilities of change of status in their respective legal orders.

7. The Parties shall work to implement transparent and effective requirements for admission and residence for the purpose of work research, studies, training and voluntary service with a view to facilitating circular migration and mobility.

8. The Parties shall facilitate access to procedures for family reunification for migrants taking into account the best interests of the child.

9. The Parties shall cooperate to improve and modernise civil registration systems and to issue biometric travel documents based on the specifications of the International Civil Aviation Organization, including by making efforts to combat identity fraud and document forgery.

ARTICLE 75

Intra-African mobility

1. The Parties acknowledge the relevance of intra-African mobility and its potential significant benefits as regards regional integration and the sustainable development of host countries and countries of origin.

2. The Parties commit to further supporting intra-African cooperation to manage migration, taking into consideration the AU Migration Policy Framework for Africa.

ARTICLE 76

Diaspora, remittances and sustainable development

1. The Parties shall encourage and support diaspora engagement in the sustainable development of their countries of origin. They shall cooperate to promote and facilitate diaspora investment, and business creation as a means of boosting local development and entrepreneurship in countries of origin, as well as of transferring knowledge, experience and technology.

2. The Parties shall aim to significantly reduce the transaction costs of remittances to less than 3 %, especially for low and middle-income countries, and eliminate remittance corridors with costs higher than 5 % in accordance with internationally agreed targets, cooperate to increase access points for remittance services, particularly in rural areas, promote financial inclusion, including via innovative financial instruments and new technologies, and improve regulatory frameworks for enhanced involvement of non-traditional players.

3. The Parties shall support the work of institutions that assist in the implementation of strategies and instruments for use of diaspora remittances and investment for sustainable development.

ARTICLE 77

Irregular migration, smuggling of migrants and trafficking in persons

1. The Parties shall cooperate to address and develop adequate responses to the root causes of irregular migration and forced displacement. They shall cooperate to support countries of origin with appropriate strategies, including with the aim of promoting economic growth and sustainable development.

2. The Parties undertake to stem irregular migration through enhanced cooperation on integrated border management, on improved information and data gathering and sharing, and on the fostering of police and judicial cooperation, with particular reference to countries of origin and transit of migratory flows. They shall cooperate to develop and maintain, where appropriate, communication networks to support maritime surveillance and save lives at sea.

3. The Parties shall establish and implement legislation, strengthen institutions and shall increase collaborative efforts to address trafficking in persons, including protecting and assisting victims of trafficking, and prevent and combat smuggling of migrants in accordance with the UN Convention against Transnational Organized Crime and its supplementing Protocols, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

4. The Parties shall cooperate to monitor irregular migration routes, step up national, regional and cross-regional actions, and enhance joint efforts to dismantle the criminal networks that smuggle migrants and traffic persons. They shall cooperate to share relevant information and criminal intelligence on trafficking and smuggling routes and criminal networks, including as regards modus operandi and financial transactions, to improve data collection and to strengthen analysis and dissemination strategies. They shall ensure effective implementation of relevant legislation and measures against those who exploit irregular migrants. They shall intensify efforts on investigations and criminal prosecutions of perpetrators.

5. The Parties shall support awareness campaigns on the risks related to irregular migration, using all available means at regional, national and local levels in line with relevant strategies and programmes.

ARTICLE 78

Return, readmission and reintegration

1. The Parties reaffirm their right to return illegally staying migrants and reaffirm the legal obligation of each Member State of the European Union and each OACPS Member to readmit their own nationals illegally present on the territories of the OACPS Members or the Member States of the European Union, respectively, without conditionality and without further formalities other than the verification provided for in paragraph 3. To that end, the Parties shall cooperate on return and readmission and shall ensure that the rights and dignity of individuals are fully protected and respected, including in any procedure initiated to return illegally staying migrants to their countries of origin.

2. Each Member State of the European Union shall accept the return and the readmission of any of its nationals who is illegally present on the territory of an OACPS Member, at that State's request without further formalities than the verification provided for in paragraph 3 for those persons who do not hold a valid travel document.

Each OACPS Member shall accept the return and the readmission of any of its nationals who is illegally present on the territory of a Member State of the European Union, at that Member State's request without further formalities than the verification provided for in paragraph 3 for those persons who do not hold a valid travel document.

In respect of the European Union, the obligations set out in this paragraph apply only with regard to persons who hold the nationality of a Member State of the European Union. In respect of the OACPS Members, the obligations set out in this paragraph apply only with regard to persons who are considered as their nationals in accordance with their respective legal system.

3. The Member States of the European Union and the OACPS Members shall respond swiftly to readmission requests of each other. They shall carry out verification processes using the most appropriate and most efficient identification procedures, with a view to ascertaining the nationality of the person concerned and to issue appropriate travel documents for return purposes, as set out in Annex I. Nothing in that Annex shall prevent the return of a person under formal or informal arrangements between the State to which a readmission request is submitted and the State submitting a readmission request.

4. Notwithstanding the procedures provided for in Article 101(5) of the General Part of this Agreement, if a Party considers that another Party has failed to respect the time limit referred to in Annex I in line with Standard 5.26 of Chapter 5 of Annex 9 to the Convention on International Civil Aviation, it shall notify the other Party accordingly. If that other Party continues to fail to comply with those obligations, the notifying Party may take proportionate measures starting as from 30 days of the notification.

5. The Parties agree to monitor the implementation of these commitments in the framework of the regular partnership dialogue.

ARTICLE 79

Protection and asylum

1. The Parties undertake to secure a high level of protection and assistance to forcibly displaced persons, including refugees, asylum seekers and internally displaced persons, in full compliance with international law, international human rights law and, where applicable, international refugee law and international humanitarian law, including the fundamental principle of non-refoulement.

2. The Parties recognise that refugee camps should be the exception and, to the extent possible, a temporary measure in response to an emergency, and that sustainable integration of refugees should be preferred. They shall strengthen cooperation to facilitate sustainable integration of refugees in host communities and their countries of asylum. They shall support the implementation of the UN Comprehensive Refugee Response Framework.

3. The Parties shall ensure that refugees and asylum seekers can exercise their human rights through safe access to basic services, in line with international obligations.

4. The Parties shall uphold the best interests of the child at all times, and shall grant full access to the education system in safe learning environments for all refugee children. They shall apply a gender-responsive approach in addressing the vulnerabilities of children and ensure that children are not criminalised or subject to punitive measures because of their refugee status or that of their parents.

CARIBBEAN REGIONAL PROTOCOL

PART I

FRAMEWORK FOR COOPERATION

CHAPTER 1

NATURE AND SCOPE

ARTICLE 1

Genuine partnership

1. For the purposes of this Protocol, "Parties" means the relevant parties bound by this Protocol pursuant to Article 6 of the General Part of this Agreement.
2. Relations between the Parties shall be governed by the provisions of the General Part of this Agreement and this Protocol, which are complementary and mutually reinforcing, in accordance with Article 6 of the General Part of this Agreement.

3. The Parties agree that this Protocol shall be implemented, with complementary responsibilities at national, regional and international levels, based on the principles of mutual respect and accountability, equality and shared ownership, and by engaging all relevant stakeholders. They shall implement this Protocol in a manner that builds on and advances the deep political, economic and cultural ties among the Parties to this Agreement.

4. The Parties shall support regional integration and cooperation processes, intensify efforts in support of multilateralism and the rules-based global order, and develop and implement multi-dimensional and coherent policies and measures in pursuit of all dimensions of sustainable development, taking into consideration their respective policy frameworks and relevant international agreements.

ARTICLE 2

Strategic priorities

1. The Parties reaffirm the broad and comprehensive nature of the Caribbean Regional Partnership and agree that the strategic priorities of this Protocol are, *inter alia*, to:

(a) strengthen their political partnership, which shall be underpinned by regular and effective dialogue and the promotion of common interests;

- (b) deepen economic relations, promote transformation and diversification, and support inclusive and sustainable economic growth and development through trade, investment, private sector development and sustainable industrialisation;
- (c) improve environmental sustainability and climate resilience, pursue the sustainable management of natural resources and strengthen disaster management;
- (d) build inclusive, peaceful and secure societies, with a special focus on advancing human rights, gender equality, justice and governance, including financial governance, and citizen security;
- (e) invest in human and social development, addressing poverty and growing inequalities, harnessing migration, leveraging the diaspora's knowledge, entrepreneurial skills and investment, and ensuring that nobody is left behind.

2. The Parties shall accord special attention to Haiti as the only least developed country in the Caribbean, with a view to addressing its structural weaknesses while supporting the consolidation of its institutions, improving governance and reducing poverty and social inequalities.

ARTICLE 3

Multilateralism and alliance-building

1. The Parties reaffirm their strong commitment to multilateralism. They shall enhance cooperation and, where appropriate, establish common positions in the framework of the United Nations (UN) and other international and regional organisations and forums.
2. The Parties shall strengthen dialogue and consultations to build strategic alliances on global issues of common concern, including climate change, ocean governance, sustainable development, human and social development, human rights and issues related to peace and security, and conflict prevention and resolution. They shall cooperate to address the vulnerabilities of small island developing states (SIDS) within relevant global policy frameworks.
3. The Parties undertake to sign, ratify or accede to, as appropriate, and implement key relevant and applicable international treaties and conventions.

ARTICLE 4

Regional integration and cooperation

1. The Parties shall promote regional integration and cooperation in the Caribbean region as an important means of achieving peace and prosperity, building sustainable and resilient economies and societies, and increasing competitiveness in international markets. They shall support the establishment and strengthening of complementary domestic policies and capacity, thereby contributing to the fostering of regional stability, cohesion and prosperity in the Caribbean.
2. The Parties agree to advance the universal recognition of the Caribbean as a zone of peace. They shall also promote the sustainable development of the Caribbean Sea in light of its role as enabler of regional integration and cooperation in the region.
3. The Parties shall enhance cooperation with regional integration organisations and countries and territories that share the same values and are willing and able to promote common goals, and contribute to the economic, social and political development of the Caribbean region as a whole. They shall support, where appropriate, the development of regional approaches to issues of common concern, including with the wider Caribbean and Latin America.

CHAPTER 2

ACTORS AND PROCESSES

ARTICLE 5

Institutional provisions

1. The institutions established by this Protocol, the composition and functions of which are defined in the General Part of this Agreement, are as follows:
 - (a) the Caribbean-EU Council of Ministers;
 - (b) the Caribbean-EU Joint Committee;
 - (c) the Caribbean-EU Parliamentary Assembly.

2. The Parties may decide to meet at the level of Heads of State or Government to provide strategic political steering to, and oversight of, the Caribbean-EU partnership.

ARTICLE 6

Overseas Countries and Territories and outermost regions in the Caribbean region

1. The Parties shall strengthen the close and historic economic, cultural and people-based ties between Caribbean OACPS Members and the Overseas Countries and Territories (OCTs) associated with the EU and the outermost regions of the EU (ORs). The Parties shall facilitate the participation of the OCTs and the ORs in regional integration and cooperation processes, as well as regional organisations, where appropriate, especially in the areas of: trade, investment and economic cooperation; private sector development; energy; connectivity and digitalisation; human and social development; and climate change, environmental sustainability, sustainable management of natural resources and tourism.
2. The Parties agree that the OCTs in the Caribbean region shall be granted the role of observers in the joint institutions established by this Protocol.

ARTICLE 7

Consultation with stakeholders

The Parties shall establish and develop consultation and dialogue mechanisms with all relevant stakeholders, including local authorities, representatives of civil society and the private sector, to inform, advise and consult them, and to secure their input to political processes and for the implementation of this Protocol. Consultation and dialogue shall take place with a view to providing inputs to the meetings of the Caribbean-EU Council of Ministers.

ARTICLE 8

Implementation and monitoring

1. The Parties shall implement their commitments at the most appropriate level, in accordance with their respective policy frameworks. They shall develop and apply measures to maximise the impact of the implementation of this Protocol and reinforce the involvement of all interested stakeholders.
2. The Parties shall monitor and review this Protocol to ensure that implementation adheres fully to the principle of genuine partnership and accords with its strategic priorities. They may review it on a regular basis and, as mutually agreed, expand its scope, notably to new areas of engagement, in line with the procedure set out in Article 99 of the General Part of this Agreement.

PART II

KEY AREAS OF COOPERATION

TITLE I

INCLUSIVE SUSTAINABLE ECONOMIC GROWTH AND DEVELOPMENT

ARTICLE 9

The Parties shall promote sustainable and inclusive economic growth and development through economic transformation and diversification, reinforced economic resilience, advanced regional integration and cooperation, strengthened economic and trade relations, and improved transition towards full employment and decent work for all. They shall cooperate to facilitate greater flows of trade and investment, by improving macroeconomic and financial stability and the business environment, to promote digital transformation, to advance private sector development and industrialisation, and to promote low-emission and climate-resilient economies, ensuring that all people benefit from unlocked business opportunities. They shall respect and protect human rights and core labour standards, including through social dialogue, promote environmental sustainability and foster shared prosperity. They agree to concentrate efforts on key and emerging economic sectors, with a multiplier effect on sustainable growth, value addition, job creation and poverty eradication.

CHAPTER 1

OVERALL ECONOMIC FRAMEWORK

ARTICLE 10

Enablers of economic development

1. The Parties shall improve macro-economic and financial stability, strengthen public finance management and work towards public debt sustainability. They shall support Caribbean regional economic integration and cooperation to enable countries to benefit from deeper integration into regional and global value chains. They shall harmonise and simplify business regulations and processes, adopt sound competition policies, including transparency on public subsidies, and ensure effective and predictable tax systems, including at intra-regional level.
2. The Parties shall create an enabling legal environment, strengthen the efficiency of public administrations and judicial systems, improve the business climate through reform of regulatory requirements, enhance access to finance and ensure the protection of land and property rights and intellectual property rights.

3. The Parties shall promote policies that enhance the relevance, efficiency and effectiveness of labour markets and support labour mobility, including the intra-regional dimension thereof. They shall promote quality education and skills development, and shall develop appropriate technical and vocational education and training. They shall ensure that progress in human capital is adapted to the needs and opportunities of labour markets and is enhanced by private sector involvement.
4. The Parties shall support the development of key infrastructures such as energy, transport, water and sanitation and digital connectivity. They shall cooperate to exploit opportunities arising from technological advancement and the digital economy, including in the area of artificial intelligence.
5. The Parties shall cooperate to improve access to finance, especially for micro, small and medium-sized enterprises (MSMEs), including through regulated banking and non-banking services. They shall develop and strengthen digital financial services, including through enhanced cooperation on the implementation of agreed international standards and ensuring efficient and reliable markets, consumer protection and increased access to mobile-based financial services.
6. The Parties shall address all forms of pollution resulting from economic activities, including through a clear definition and attribution of responsibilities to industry and business operators throughout the supply chain on the basis of the extended producer responsibility and polluter pays principles. They shall support green growth initiatives, increased resource-use efficiency and the adoption of clean and environmentally sound technologies and industrial processes.

7. The Parties shall develop the circular economy by promoting the sustainable consumption and production of resources, including through strengthened scientific and technological capacity, standards, exchange of best practices and the rationalisation of inefficient fossil fuel subsidies.

8. The Parties shall promote the registration and protection of geographical indications and undertake action to support the increased use of technology and innovations to create greater value in regional and global value chains.

ARTICLE 11

Investment

1. The Parties undertake to bolster public and private investment, especially in added-value sectors with a high potential for sustainable job creation and high economic growth.

2. The Parties shall harmonise and streamline rules, procedures and requirements relating to investment. To that end, they shall prioritise the specific needs of MSMEs. They shall support the development of regional investment policies, strategies and tools.

3. The Parties shall encourage and facilitate investment in the Caribbean, including by strengthening business facilitation measures. They shall further support investment by enhancing transparency, information and investors' awareness of business opportunities and investment conditions and procedures. They shall facilitate the strengthening of technical analysis and skills on economic trends and risk management for investment.

4. The Parties shall make strategic use of public finance to strengthen investment mechanisms and instruments and to leverage additional public and private investment, including through blended finances, guarantees and other innovative financial instruments, while taking due account of debt sustainability.

ARTICLE 12

Private sector development and industrialisation

1. The Parties shall support private sector development and sustainable industrialisation, and shall design policies to enhance entrepreneurship, diversification and productivity. They shall further support the competitiveness of enterprises, through, *inter alia*, strengthened compliance capacity to apply relevant international standards, enhanced innovation measures and improved access to innovative financing. They shall promote institutional capacity to contribute to trade and economic policy-making.

2. The Parties shall prioritise the development of women's and youth entrepreneurship, in particular by developing targeted business support and training, and access to affordable and reliable technology and finance.

3. The Parties shall support the growth and competitiveness of MSMEs, promote regional business development and facilitate business-to-business contacts between economic operators in the Caribbean and the EU.

4. The Parties shall pay special attention to the informal sector and to upgrading informal economic activities into formal ones, including through targeted business development support.
5. The Parties shall encourage and facilitate the establishment and strengthening of regional private sector trade and professional bodies through, *inter alia*, enhanced technical, research, policy advocacy and institutional capacity.
6. The Parties shall boost digitalisation and shall promote research, development and innovation initiatives in key economic sectors, including by bolstering linkages between industry, research and academic institutions, in order to improve the volume of high-value products, enhance competitiveness and develop new markets.
7. The Parties shall promote increased public-private partnerships as a means of mobilising domestic and foreign capital.
8. The Parties shall support increased resource-use efficiency and the adoption of cleaner and more environmentally sound technologies and industrial processes.

9. The Parties shall promote industrial development with a view to achieving sustainable economic growth. They shall adopt targeted policies designed to facilitate industrial growth and opportunities, notably through the creation of linkages and value-adding activities. They shall develop and implement sustainable national and regional industrial policies to enhance private sector competitiveness, particularly in medium- and high-tech manufacturing and exports. They shall encourage and facilitate the development of appropriate technologies to advance the diversification of their economies into the production of high-value industrial products.

10. The Parties shall encourage wider use of their respective currencies in international transactions.

ARTICLE 13

Trade cooperation

1. The Parties shall advance regional integration and cooperation processes in the Caribbean, including through strengthened trade facilitation and regulatory harmonisation to enable countries and economic operators to take advantage of trading with their neighbours and foster their integration into key regional and global value chains. They shall take concrete steps to support the development of the CARICOM Single Market and Economy (CSME) and the Organisation of Eastern Caribbean States (OECS) Economic Union.

2. The Parties shall support the implementation of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part (the "CARIFORUM-EU EPA"), to reinforce its effectiveness as a tool for promoting sustainable development and to ensure its commercial relevance. To that end, they shall cooperate to strengthen mechanisms, procedures and institutions to enhance national and regional productive and regulatory capacities. They shall also cooperate to institute appropriate support policies to facilitate greater trade flows, including through strengthened production and entrepreneurship, quality infrastructure, enhanced digital support frameworks, increased investment in value-adding sectors and the development of effective e-commerce.

3. The Parties shall foster trade within the wider Caribbean region, including the OCTs associated with the EU and other territories, as a means of promoting inclusive and sustainable development.

4. The Parties shall support the implementation of the WTO Trade Facilitation Agreement and facilitate trade through, *inter alia*, adopting support measures to reduce both trade costs and financial and regulatory burden of MSMEs.

5. The Parties shall pursue innovative special and differential treatment for new multilateral or bilateral trade agreements where applicable, for instance by ensuring that flexibilities in trade commitments reflect demonstrated implementation capacity needs.

CHAPTER 2

PRIORITISED ECONOMIC SECTORS

ARTICLE 14

Services

1. The Parties shall enhance the regulatory and productive capacity of key services subsectors through, *inter alia*, the development of sectoral policies, legislative frameworks and national and regional regulation capacity to enable service suppliers to seize market opportunities under the CARIFORUM-EU EPA, the CSME, the OECS and other intra-Caribbean regional arrangements. They shall pay particular attention to professional, convention, data-processing, recreational, cultural and creative industries, and to sporting, educational, financial, communication, audio-visual, transport, environmental and tourism services.
2. The Parties shall develop strategies and appropriate policies to improve access to trade finance and financial services. They shall also enhance capacity to collect, store, disseminate and analyse services trade data and statistics.
3. The Parties shall cooperate to promote and strengthen the role of services in trade competitiveness and deepen value chains through, *inter alia*, fostering innovation in services-related manufacturing and enhancing the role of services as inputs into the production of goods.

4. The Parties shall support the enhancement of the capacity of regional professional bodies to contribute to the negotiation and effective promotion of mutual recognition agreements.

ARTICLE 15

Blue economy

1. The Parties shall promote the development of sustainable and innovative blue economies. In doing so, they shall seek to balance economic growth and the creation of decent jobs with enhanced food and nutrition security, improved livelihoods, social equity and strengthened ocean ecosystems, while reducing environmental risks and negative ecological impacts. They shall support the application of precautionary and science-based approaches to the conservation and protection of marine ecosystems and biodiversity, and the sustainable use of natural resources. They shall promote domestic and foreign investment, and develop the necessary regulatory framework and infrastructure to promote blue economy activities. They shall also promote bilateral and multilateral collaboration to support the development of sustainable and innovative blue economies.

2. The Parties shall enhance sustainable fisheries development by promoting sustainable fisheries value chains and building local capacities to process fisheries products and meet the regulatory requirements of international markets, taking into consideration the needs of artisanal fisheries and ensuring safe, healthy and decent working conditions for fishers and workers.

3. The Parties shall cooperate to develop sustainable aquaculture, including mariculture, through effective spatial planning, adherence to an ecosystem-based approach and an enhanced level playing field for investors, while ensuring that the concerns of local communities are addressed.

4. The Parties shall seize opportunities in marine biotechnology through, *inter alia*, supporting research, fostering collaboration among academics, economic operators and policy-makers, promoting technological transfer and reducing technical bottlenecks to facilitate access for investors, while avoiding risks to the marine environment.

ARTICLE 16

Agriculture

1. The Parties shall cooperate to increase and diversify sustainable agricultural production and productivity, with a view to enhancing food security and nutrition, improving livelihoods, creating decent jobs and expanding incomes by accessing regional and international markets. They shall strengthen climate-resilient farming practices, especially in smallholdings, promote the sustainable management and efficient use of natural resources and ecosystem services, and eliminate incentives that generate unsustainable production.

2. The Parties shall strengthen national and regional research, training, science and innovation in smart agriculture.

3. The Parties shall bolster investment in and develop the agri-food sector, and shall institute rules and regulations that are supportive of increased investment in the sector. They shall cooperate to improve opportunities for producers, processors and exporters to access markets and capture greater value in local, regional and global value chains, including by promoting greater use of technology and innovation, bolstering their capacity to comply with non-tariff barriers, in particular technical barriers to trade and sanitary and phytosanitary standards, and promoting fair-trade and organic schemes to create added value in agro-processing.

4. The Parties shall ensure equal land and inheritance rights for women, enhance their access to finance and markets, as well as to support services and agricultural advice. They shall also support youth entrepreneurship, including through the provision of targeted extension services, technology and financing.

ARTICLE 17

Extractive industries

1. The Parties shall promote fair and non-discriminatory access to the sustainable extraction of, and trade in, minerals and raw materials, fully respecting the sovereignty of countries over their natural resources and upholding the rights of affected communities. They shall promote the equitable sharing of resources and combat the illegal exploitation of mineral resources through national, regional and international legal means.

2. The Parties shall promote the transparency, accountability and responsible management of extractive industries, consistent with the Extractive Industry Transparency Initiative and other relevant regional and international commitments.

3. The Parties shall strengthen corporate social responsibility and responsible business conduct throughout the entire value chain, including through the development and implementation of relevant legislation, where appropriate, taking into account relevant international standards.

ARTICLE 18

Sustainable energy

1. The Parties shall cooperate to strengthen energy security, to secure access to sustainable energy for all, including for the most vulnerable consumers and key economic sectors, and to build the resilience of energy infrastructure in order to improve the accessibility, durability and affordability of clean energy.

2. The Parties shall facilitate open, transparent and functioning energy markets that drive inclusive and sustainable investment, especially in renewable energy generation and co-generation, transmission and distribution, and energy efficiency. They shall cooperate in enhancing entrepreneurship in the sector.

3. The Parties shall cooperate to increase public and private investment in renewable energy and energy efficiency, paying attention to the development and implementation of relevant national and regional energy initiatives and supportive quality infrastructure systems.

4. The Parties shall promote energy efficiency and energy savings at all stages of the energy chain, from generation to consumption.

5. The Parties shall cooperate to establish and reinforce effective energy interconnections and to promote the energy transition of the Caribbean region through the development and use of clean, diverse, cost-effective and sustainable energy technologies, including renewable and low-emission energy technologies, to promote the transfer of technology and to develop human and technical capacity and research and innovation.

ARTICLE 19

Connectivity

1. The Parties shall strengthen sustainable, comprehensive and rules-based intra-regional connectivity. They shall cooperate to improve transport links, information and communication technologies (ICT) and digital infrastructure in a resilient and sustainable manner. They shall pursue economic opportunities by, *inter alia*, strengthening the technical and human capacity of key actors.

2. The Parties shall cooperate towards the development of quality and sustainable transport and related infrastructure systems, thereby facilitating and improving the movement of people, including those with reduced mobility, and of goods. They shall aim to provide improved access to rural, urban, air, maritime, inland-waterway, rail and road-transport facilities, including through the development and promotion of intra-regional cooperation throughout the Caribbean region.
3. The Parties shall bolster investment in and improve the overall governance of the transport sector, including by eliminating capacity constraints and by developing and implementing efficient regulations enabling fair competition within and between transport modes.
4. The Parties shall increase access to open, affordable and secure ICT for all, including by supporting targeted investment. They shall develop the necessary legislative frameworks and regulatory institutions to license service providers, promote competitive behaviour, ensure the fair treatment of consumers and support data and consumer protection.
5. The Parties shall enhance access to open, affordable, secure and reliable broadband connectivity for all and develop digital infrastructure, including through improved undersea cables and other modern transmission technologies. They shall develop policy and regulatory frameworks to facilitate the effective licensing of service providers, promote competitive behaviour and fair treatment and protection of consumers, and ensure the confidentiality of communications and the rights of persons with regard to the processing of personal data.

6. The Parties shall promote the establishment of a regional digital economy to generate decent jobs and economic development, through the creation of a supportive regulatory framework to promote digital entrepreneurship, mobilise investment, and facilitate private sector boosting of digitalisation. They shall cooperate to eliminate unnecessary barriers, to develop e-trust and e-signature platforms supporting increased trade, to foster the emergence of new products, to promote the development and use of relevant international standards, open data and advance the protection of consumers and personal data.

ARTICLE 20

Tourism

1. The Parties shall cooperate to promote the balanced and sustainable development of tourism in order to foster inclusive economic development. They shall ensure the integration of environmental, cultural and social considerations, and the sustainable use and conservation of biodiversity and other natural resources in tourism policy planning and development.

2. The Parties shall bolster investment to promote and develop tourism products and services and thereby generate decent jobs, by forging innovative partnerships with key economic operators, investing in human capital development and marketing, and facilitating business-to-business contacts to boost competitiveness and improve service standards. In that regard, they agree to pay special attention to MSMEs.

3. The Parties shall strengthen linkages between the tourism sector and other relevant economic sectors, in particular agriculture, manufacturing, the blue economy and transport. They shall mobilise investment in sustainable energy, basic infrastructure and services, digital technologies, statistics and human development, in order to enhance the competitiveness and sustainability of the tourism industry.

4. The Parties shall take steps to generate the strongest socio-economic benefits from tourism. They shall enhance the preservation and promotion of cultural patrimony and of natural resources and promote all innovative forms of tourism, while respecting the integrity and interests of indigenous peoples, as set out in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and of local communities and maximising the involvement of these stakeholders in the process of tourism development.

ARTICLE 21

Research, innovation and technology

1. The Parties shall cooperate on science, research, innovation and technological development, with a view to supporting economic diversification, promoting social and economic development, improving regional competitiveness and facilitating the emergence of an inclusive digital economy. They shall develop the interconnection and interoperability of research networks, computing and scientific data infrastructure and services, and shall promote such development in their regional context.

2. The Parties shall promote the development of research capacity, infrastructure and facilities, publications and scientific data. They shall promote and support innovative training and mobility schemes for academics and researchers. They shall enhance the capacity of higher education institutions to collaborate effectively in research and in scientific and technological innovation, including through access to academic exchange schemes. They shall facilitate collaboration among public administrations, academic institutions and enterprises. They shall promote open data and innovation in order to advance economic progress and to pursue mutually beneficial scientific excellence.

3. The Parties shall support the development of knowledge-based economies and inclusive digital societies. They shall promote the preservation and use of traditional knowledge, biodiversity and the sustainable management of other natural resources, and the transfer of technology and expertise.

4. The Parties shall cooperate on matters of common interest in the area of civil space activities, such as space research, global navigation satellite systems application and services, development of satellite augmentation systems and earth observation and earth science, particularly as regards the use of early warning and surveillance mechanisms.

ARTICLE 22

Culture and creative industries

1. The Parties shall promote culture and the creative industries as drivers of sustainable social and economic development and decent jobs. They shall adopt measures, *inter alia* in support of creative development and the digitalisation of artistic performances and productions. They shall exchange best practices in the promotion of cultural development and entrepreneurship.

2. The Parties shall promote sustainable development through strengthened cultural exchanges, the promotion of co-productions, joint cultural and creative initiatives, and enhanced mobility of cultural and creative professionals and allied educational practitioners. They shall support the circulation of works of art in full observance of established international conventions.

3. The Parties shall support intercultural dialogue between youth, civil society organisations and individuals from the EU and the Caribbean region.

ARTICLE 23

Manufacturing

1. The Parties shall cooperate to foster sustainable manufacturing with a view to deepening value addition, especially in the export of high-technology products, to facilitate increased diversification and to maximise its potential for backward linkages with key economic sectors such as agriculture, the blue economy and extractive industries and services.

2. The Parties shall develop policies to attract domestic and foreign direct investment in the manufacturing sector. They shall promote business facilitation to advance peer-to-peer collaboration, deepen commercial partnerships and develop industrial hubs, ecosystems and networks.

3. The Parties shall cooperate to develop measures to increase the competitiveness of the manufacturing sector by improving production capacity and addressing constraints such as skilled labour shortages, logistics and infrastructure deficits, and limited access to finance and market analysis. They shall support research and innovation, promote the development and application of key enabling technologies and strengthen linkages between industries and research and academic institutions.

4. The Parties shall support the enhancement of trade in manufactured goods through, *inter alia*, improved linkages to export markets, enhanced trade regulatory capacity, trade facilitation, and strengthened compliance capacity to apply relevant international labour and environmental standards.

ARTICLE 24

International business and financial services

The Parties shall work towards the development of a rules-based international business and financial services sector in the Caribbean through, *inter alia*, supporting targeted cooperation to strengthen the Caribbean regulatory frameworks to comply with internationally agreed standards, develop appropriate sectoral policies, improve skills development, and enhance the use of technologies and digitalisation. The Parties shall make best endeavours to ensure that internationally agreed standards for regulation and supervision in the international business and financial services sector are implemented and enforced in their territories.

TITLE II

ENVIRONMENTAL SUSTAINABILITY, CLIMATE CHANGE AND SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

ARTICLE 25

The Parties recognise the existential threat to affected countries and impact on livelihoods posed by the long-term nature of challenges related to climate and environmental sustainability. They shall take ambitious action to mitigate and adapt to climate change, protect and improve the quality of the environment, and pursue sustainable use and management of natural resources, so as to build resilience to climate change and reverse environmental degradation. They shall adopt concrete measures to address the loss of biodiversity, maintain and restore ecosystems, promote ocean governance, reverse deforestation, and prevent and respond to natural disasters and anthropogenic hazards, including through climate finance, the promotion of technology transfer and capacity building, as appropriate. They shall invest in green growth, promote circular economies and support the transition towards climate-resilient and low-emission development, ensuring that economic growth fully complements environmental sustainability. They shall cooperate at the level of the wider Caribbean region and pursue south-south and triangular cooperation.

ARTICLE 26

Climate action

1. The Parties shall develop comprehensive and inclusive domestic climate policies and programmes, implement concrete action to accelerate the full implementation of the UN Framework Convention on Climate Change and its Paris Agreement, and to sustain multilateral action on climate change.
2. The Parties shall promote the integration of climate change policies and measures for mitigation and adaptation into national and regional strategies and plans and policy dialogues. They shall cooperate to promote adaptation action, including averting, minimising and addressing the loss and damage associated with the adverse effects of climate change. They shall develop monitoring, reporting and verification, and evaluation systems to track progress on climate action.
3. The Parties shall cooperate to prepare, communicate and update progressively ambitious nationally determined contributions (NDCs), pursue the national and regional mitigation measures needed to achieve the objectives of such contributions and develop long-term strategies for low-carbon and climate-resilient development.
4. The Parties shall develop and implement national adaptation plans and national and regional strategies. They shall integrate adaptation measures across all key vulnerable sectors, including infrastructures, and shall develop an effective governance system to implement adaptation actions and facilitate the exchange of knowledge and good practices on climate change at national and regional levels.

5. The Parties shall act to reduce greenhouse gas emissions, including from aviation and shipping activities, in line with their international commitments and obligations, including under the Paris Agreement.
6. The Parties, considering the threats that climate change poses to peace and security and the well-being of people and communities, shall cooperate to strengthen adaptation and mitigation capacities and promote resilience-building measures to address their vulnerability.
7. The Parties shall promote the phasing-out of the production and consumption of hydrofluorocarbons under the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal on 16 September 1987, by cooperating to support the ratification of the Kigali Amendment thereto and ensuring its swift implementation.
8. The Parties shall rationalise and phase out inefficient fossil fuel subsidies that encourage wasteful consumption, and minimise the possible adverse impacts in a manner that protects poor and vulnerable communities. They shall promote the switch to renewable and cleaner energy sources in line with actions under the NDCs.
9. The Parties shall cooperate to advance low-carbon economies and climate resilience by strengthening green growth in key and emerging economic sectors, including through the adoption of eco-innovation, the promotion of technology transfer, the development of standards and the exchange of best practices.

10. The Parties shall develop innovative financing tools and align financial flows with a pathway to low-carbon and climate-resilient development, with a focus on inclusive climate finance that seeks to protect the poorest and most vulnerable from the adverse effects of climate change. They shall promote economic policy instruments that support climate change action, such as carbon pricing, market-based instruments and carbon taxes, as appropriate.

11. The Parties shall promote strengthened coordination across all levels of government to implement ambitious climate and energy commitments. They shall encourage and empower local authorities and support initiatives such as the Global Covenant of Mayors for Climate and Energy, and the Accelerating Renewable Energy Transition in SIDS.

12. The Parties shall work together to strengthen their scientific and technical human and institutional capacity for climate action and environmental management and monitoring, including through the use of space technologies and information systems and for the provision of comprehensive climate services, in particular to vulnerable stakeholders.

ARTICLE 27

Biodiversity, ecosystems and natural resources

1. The Parties shall support the conservation, sustainable use and restoration of eco-systems, including with a view to improving the livelihoods of indigenous peoples, as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and local communities, while enhancing the delivery of ecosystem services and enabling the sustainable development of their countries. They shall protect, restore and enhance biodiversity and shall take measures to accelerate the implementation of the Convention on Biological Diversity and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, done at Nagoya on 29 October 2010. They shall collaborate in multilateral negotiations on preserving natural resources, ecosystems and biodiversity. They recognise that the Caribbean Sea includes fragile ecosystems and unique biodiversity and shall therefore cooperate to support their protection. They shall take measures to avoid or reduce the impact of invasive alien species on local species and ecosystems on people's livelihoods.

2. The Parties shall promote sustainable integrated water management systems, preserve and protect water sources and ecosystems, collect and treat wastewater, address land degradation and the pollution of water and groundwater resources, and tackle uncertainty about water availability through collection and storage systems.

3. The Parties shall cooperate to sustainably manage and protect soils with a view to preserving their critical role in, *inter alia*, agriculture, housing and infrastructure, as well as in mitigating climate change and adapting to its impacts and in serving as natural reservoirs of rainwater.

4. The Parties shall protect wildlife and shall combat wildlife trafficking by supporting the adoption and enforcement of policies and laws to make it a serious crime. They shall strengthen anti-poaching measures and law enforcement monitoring, and promote international coordination, including in the context of the International Consortium to Combat Wildlife Crime (ICWC), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), done at Washington on 3 March 1973, and other relevant international frameworks. They shall take steps to raise public awareness, educate and influence consumers, destroy stockpiles of illegally trafficked wildlife and wildlife products, enhance the role of local communities and promote high-profile diplomacy and advocacy on the need to protect wildlife.

5. The Parties shall work towards establishing and updating the necessary regulatory frameworks and enforcement mechanisms to improve management of all waste and hazardous substances. They shall collaborate to prevent or minimise the generation of waste at source and to improve product reusability, recyclability and resource efficiency, including through efficient collection systems and effective recycling, in order to adapt production and consumption towards the achievement of a circular economy. They shall take measures to prevent or minimise hazardous substances in material cycles and to manage chemicals in products throughout their lifecycle. They shall cooperate to enhance the proper management of hazardous substances and nuclear contaminants, and to end the illicit transboundary movement of such substances and contaminants across the Caribbean Sea.

6. The Parties shall address all forms of pollution and shall raise awareness of the public health and environmental risks of air pollution and the multiple benefits of improved air quality, including through public outreach campaigns.

7. The Parties shall work to develop frameworks to protect fragile ecosystems and biodiversity, including by supporting measures to combat environmental crimes. They shall cooperate to research, conserve and sustainably use biodiversity, including by establishing knowledge hubs and research partnerships. They shall promote the use of internationally recognised environmental management systems as a means to minimise any negative impact on the environment. They shall strengthen the involvement of indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and local communities in the conservation of ecosystems, prioritising the creation of jobs and other economic opportunities.

ARTICLE 28

Forests

1. The Parties shall promote the sustainable management and use of forestry resources. They shall cooperate to reverse deforestation, support reforestation, halt forest degradation and restore the ability of forests to provide ecosystem services.

2. The Parties shall promote sustainable value chains of forest products, prioritising job creation and the harnessing of economic opportunities in the conservation of ecosystems. They shall combat illegal logging and associated trade, and shall promote responsible mining operations.

3. The Parties shall support the implementation of sustainability mechanisms, such as the EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan, including by concluding and/or implementing voluntary partnership agreements. They shall strengthen coherence and positive interactions at country level between sustainability mechanisms and the Warsaw Framework for Reducing Emissions from Deforestation and Forest Degradation (REDD+).

4. The Parties shall strengthen the involvement of local authorities and communities in the sustainable management of forests. They shall raise public awareness on deforestation at all levels and encourage the production and consumption of resource- and energy-efficient products from sustainably managed forests.

ARTICLE 29

Ocean governance

1. The Parties shall strengthen ocean governance, in accordance with the UN Convention on the Law of the Sea (UNCLOS), to ensure safe, secure, clean and sustainably managed oceans, reduce the pressures on oceans and seas, and promote the sustainable development of the blue economy. They shall cooperate to strengthen national and regional capacities to manage ocean and coastal resources responsibly and accountably, develop measures for the sustainable use, management and conservation of marine biological diversity of areas within and beyond national jurisdiction, promote knowledge and research, and facilitate technology transfer on ocean governance. They shall take action related to oceans that contributes to climate change mitigation and adaptation.

2. The Parties shall cooperate to ensure the conservation and sustainable management and use of living marine resources at bilateral, regional and multilateral levels, and regional fisheries management organisations.

3. The Parties shall promote the sustainable development and management of fisheries resources through, *inter alia*, the adoption of necessary regulatory frameworks, enhanced management, compliance and enforcement capacities, improved access to finance, the promotion of best practices and the transfer of technology. They shall maintain or adopt initiatives to combat illegal, unreported and unregulated (IUU) fishing, including, where appropriate, the implementation of traceability systems and measures to exclude IUU products from trade flows. They shall promote and effectively implement monitoring, control and surveillance, and related enforcement measures to ensure compliance, in order to conserve fish stocks and prevent overfishing, in accordance with UNCLOS.

4. The Parties agree to take necessary steps to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to IUU fishing and refrain from introducing such new subsidies, recognising that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the WTO fisheries subsidies negotiations and any subsequent agreement that might arise.

5. The Parties shall cooperate to preserve and restore coastal and marine ecosystems and their biodiversity, and promote the valorisation of marine and coastal natural capital. They shall develop measures to prevent and mitigate the impact of ocean acidification on marine biodiversity ecosystems, including coral reefs, on the sustainability of fisheries and on the livelihood of coastal communities that depend on marine resources.
6. The Parties shall tackle marine pollution, including noise pollution, and reduce marine debris, especially plastics and micro-plastics. They shall target the root causes of marine litter, including through waste prevention and management policies and measures. They shall scale up ocean and coastal clean-up operations, paying particular attention to accumulation zones in ocean gyres.
7. The Parties shall support the regulation of the reduction of greenhouse gas emissions related to the maritime industry, and actively support the urgent implementation of the initial International Maritime Organization strategy on reduction of greenhouse gas emissions from ships.
8. The Parties shall develop area-based conservation measures and management tools to protect and restore coastal and marine areas and resources, including marine protected areas, in line with national and international law, and based on the best available scientific information and knowledge of local communities.
9. The Parties shall promote dialogue and cooperation on all aspects of ocean governance, including on matters related to sea-level rise and its possible effects and implications.

10. The Parties recognise the general concerns raised about the impact of seabed mining on the marine environment and its biodiversity. They shall use the best available science, apply the precautionary principle and an ecosystem approach, promote research and share best practices in fields of mutual interest relating to seabed mineral resources, in order to ensure sound environmental management of activities for the protection and preservation of the marine environment and its biodiversity.

ARTICLE 30

Resilience to natural disasters and comprehensive disaster management

1. The Parties shall cooperate to build the resilience of people, societies and infrastructure to natural disasters, and to increase monitoring, early warning and risk assessment capacities to improve prevention, mitigation, preparedness, response and recovery measures in line with the Sendai Framework for Disaster Risk Reduction 2015-2030 (the "Sendai Framework").
2. The Parties shall strengthen resilience by investing in disaster risk prevention and preparedness, integrating risk reduction efforts in recovery actions and promoting financial risk insurance and affordable risk transfer solutions. They shall promote the collection and use of disaster statistics and loss data, the comprehensive assessment of risk and the implementation of risk reduction plans at all levels.

3. The Parties shall adopt measures to strengthen the link between disaster risk reduction and climate change adaptation, and promote the exchange of information and best practices on the implementation and monitoring of the Sendai Framework. They shall prioritise climate and natural hazard resilience at the core of all reconstruction and recovery efforts, including by implementing a "building back better" approach.
4. The Parties shall cooperate to address the impact of natural disasters and anthropogenic hazards through the timely and efficient delivery of humanitarian assistance and relief.
5. The Parties shall strengthen inclusive risk governance at all levels. They shall also increase monitoring, early warning and risk assessment capacities, and improve domestic and regional prevention, mitigation, preparedness, response and recovery measures, including civil protection mechanisms to strengthen capacity for national and regional disaster risk reduction and climate innovation centres of excellence. They shall promote the involvement of affected communities, civil society and local authorities in devising and implementing policy responses, focusing on the most vulnerable and marginalised households and groups.
6. The Parties shall enhance environmental resilience through, *inter alia*, supporting the use of ICT and space technologies to accelerate disaster prevention, preparedness, and response and recovery processes. They shall foster opportunities to bolster research and disseminate best practices on disaster risk management.

TITLE III

HUMAN RIGHTS, GOVERNANCE, PEACE AND SECURITY

ARTICLE 31

The Parties shall foster dialogue and cooperation with the aim of strengthening security in all its dimensions and achieving peaceful and resilient societies. They shall promote and fully protect human rights, human dignity, fundamental freedoms and democratic principles, build accountable and transparent institutions, strengthen governance and justice systems and guarantee an adequate and appropriate enabling space to individuals and groups to express their aspirations and contribute to the shaping of policies. For that purpose, the Parties shall pay special attention to promoting the rights of the young, women and girls, indigenous peoples, as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), older persons and persons with disabilities. They shall intensify efforts to promote citizen security and prevent and combat organised crime, in particular in relation to illicit drugs, maritime security, cybersecurity, money laundering, border management, corruption, all forms of trafficking, and illicit trade in small arms and light weapons and their ammunition.

CHAPTER 1

HUMAN RIGHTS, JUSTICE AND GOVERNANCE

ARTICLE 32

Human rights

1. The Parties shall contribute to the protection, promotion and fulfilment of human rights in compliance with international law. They shall promote and contribute to the universal ratification and implementation of international human rights instruments, implement those instruments which they subscribe to, and consider accession to those to which they are not yet party. They shall apply in full the non-discrimination principle as set out in Article 9 of the General Part of this Agreement placing a priority on adopting and implementing comprehensive equality and anti-discrimination laws.
2. The Parties shall cooperate to strengthen legal protection to ensure accountability for human rights violations and abuses and to foster access to justice, and provide appropriate and effective remedies for victims and survivors of such violations and abuses.
3. The Parties shall advance efforts to attain gender equality and the full enjoyment of all human rights by women and girls and their empowerment.

4. The Parties shall promote and protect the rights of the child, fight against child labour and child abuse and combat all forms of child exploitation.
5. The Parties shall promote the rights of persons with disabilities and take stronger measures to ensure their full inclusion in society.
6. The Parties shall continue to develop and support human rights monitoring mechanisms, including their reporting obligations. They shall recognise and observe the independence of national human rights institutions, and foster a safe and enabling environment where human rights defenders can operate freely and have access to regional and international mechanisms, as appropriate. They shall promote the participation of national human rights institutions and human rights defenders in consultative structures and processes. They shall ensure the full and effective participation of indigenous peoples in all matters that concern them, as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). They shall ensure that consultative processes also take account of the role of traditional knowledge and the concerns of local communities.
7. The Parties shall cooperate to raise awareness of human rights and democracy, including through education systems and the media.

ARTICLE 33

Rule of law and justice

1. The Parties shall cooperate to enhance effective and equitable access to justice by all and shall cooperate in the consolidation of the rule of law and in the strengthening of institutions at all levels in the areas of law enforcement and administration of justice. For that purpose, the Parties shall enhance access to legal services by persons in vulnerable situations.

2. The Parties shall cooperate to ensure the independence, accountability and impartiality of the judiciary. They shall pursue modernised and efficient court systems and procedures, including by sharing best practices, improve the capacity to deliver justice in an expeditious and fair manner, develop the use of legal alternative dispute resolution mechanisms, reduce backlogs and excessive pre-trial detention, provide adequate training, and improve access by legal practitioners and the public to legislation, case-law and other legal information.

3. The Parties shall oppose and condemn all forms of torture and other cruel, inhuman and degrading treatment or punishment. They shall prevent and address violations by security forces and enhance respect for the rule of law along the security and judiciary chains, including through ethics training. They shall strengthen the fight against impunity and the denial of victims' right to justice and redress, with a particular emphasis on bringing perpetrators of human rights violations to justice.

4. The Parties shall cooperate to modernise penitentiary systems and maximise their rehabilitative role, including by improving respect for prisoners' rights, implementing rehabilitation and education programmes, increasing the rate of social reintegration of inmates, supporting the care for prisoners, working towards the eradication of overcrowding, improving prison management, administration and conditions in line with international best practices and standards, and providing alternatives to imprisonment for lesser crimes.

ARTICLE 34

Governance

1. The Parties shall take concrete measures to build inclusive, accountable and transparent public institutions. They shall strengthen the capacity for policy design and implementation, develop an accountable, efficient, transparent and professional civil service, strengthen the delivery of quality public services, improve legislative and governance mechanisms, and promote the impartiality and effectiveness of law enforcement bodies.

2. The Parties shall strengthen the capacities of parliaments and local, municipal, national and regional institutions to ensure and enhance respect for democratic principles and practices.

3. The Parties shall promote respect for freedom of expression and media independence and pluralism, and preserve and broaden an enabling space for civil society, with a view to improving democratic accountability.

4. The Parties shall accelerate wider use of e-governance and digital services infrastructure as a means to enhance access to, and the availability of, public services, thereby supporting the development of accountable and transparent public institutions.

5. The Parties shall develop and strengthen institutions, legislation and mechanisms to prevent and combat corruption, bribery, fraud and corporate crimes, including on the confiscation and return of recovered assets. They shall ensure that anti-corruption legislation is effectively enforced and that impartial investigations and prosecutions are conducted, and that effective, proportionate sanctions and penalties for corruption and corruption-related crimes are applied. They shall promote and implement relevant international standards and instruments, notably the UN Convention against Corruption, done at New York on 31 October 2003, acknowledging that corruption is a transnational issue which is linked to other forms of transnational and economic crime and which requires joint and multi-disciplinary efforts also at international level.

ARTICLE 35

Public finance and financial governance

1. The Parties shall promote sound public financial management, including strengthened and effective use of public revenues, sustainable public debt management, sustainable procurement systems and support for national oversight bodies. They shall promote greater accountability, transparency, fairness, legality and integrity in the management of public resources. They shall support measures to build effective, equitable and transparent public expenditure systems. They shall cooperate to strengthen the mobilisation of domestic resources in Caribbean SIDS, in support of their sustainable development and enhanced economic resilience.

2. The Parties shall cooperate to strengthen public finances, through, *inter alia*, enhancing capacity to comply with international standards, developing policy frameworks and measures to increase the efficiency, effectiveness, transparency and fairness of tax systems, and collaborating in the framework of the UN and other relevant global public finance bodies.

3. The Parties shall take measures to combat illicit financial flows, tax fraud and tax evasion, and reduce opportunities for tax avoidance, including through bilateral and multilateral consultations. The Parties shall apply the principles of good governance in the tax area in, *inter alia*, enacting legislation, developing comprehensive policies, adopting concrete measures and strengthening relevant institutions and mechanisms.

CHAPTER 2

CRIME AND SECURITY

ARTICLE 36

Human and citizen security

1. The Parties shall pursue an integrated approach aimed at preventing and reducing risks of crime and promoting reconciliation, rehabilitation and reintegration initiatives.

2. The Parties shall prosecute, combat and seek to prevent all forms of violence, including sexual, gender-based and domestic violence. They shall aim at supporting, assisting and empowering victims and survivors and at adopting measures to counter marginalisation, victimisation and stigmatisation.

3. The Parties shall address gang violence through comprehensive risk-reduction, prevention and education measures, provision of adequate social services, community-based actions for breaking the cycle of violence, and generation of alternative livelihood opportunities for youth and vulnerable people. They shall address access to and the use of small arms and light weapons and their ammunition, with a view to preventing and reducing the negative effects of armed violence on society and people.

4. The Parties shall tackle the social and security problems created by the deportation of foreign criminals and individuals who have served their sentences, and shall strive to cooperate to facilitate their rehabilitation and reintegration into society, and to minimise the rate of recidivism. They shall ensure the timely exchange of relevant information on deportation through the appropriate channels, in accordance with applicable administrative or judicial cooperation agreements, and shall promote cooperation among law enforcement agencies, as set out in this Protocol.

ARTICLE 37

Organised crime

1. The Parties shall tackle all forms of organised crime, including through collaboration at national, regional and international levels, and by adopting legislative and other measures in compliance with the UN Convention against Transnational Organized Crime and its supplementing protocols. They shall cooperate to increase their ability to comply with international reporting requirements. The Parties shall fight migrant smuggling and trafficking in persons, illicit drugs, endangered wild animals and plants, hazardous substances and waste. The Parties shall also address environmental crimes including illegal logging and its associated trade. The Parties shall also cooperate to combat trafficking in small arms and light weapons and their ammunition and other conventional weapons and dual-use items. In doing so, they shall cooperate, *inter alia*, to strengthen the detection of illegal small arms and light weapons and their ammunition, trace their origin, support their destruction, enhance capacity to investigate and prosecute gun-related crimes effectively, and share best practices.
2. The Parties shall enhance the protection of victims of trafficking in persons, advance the investigation and prosecution of perpetrators, collaborate to prevent and identify cases of trafficking in persons and develop effective measures for reintegration of victims into their societies. The Parties shall ensure that all victims have access to their rights, taking into account the particular vulnerability of women and children. The Parties shall promote exchange of information, including criminal intelligence, and shall strengthen capacities to develop policies and implement actions to address trafficking in persons and migrant smuggling.

3. The Parties shall cooperate to prevent and combat the use of their financial institutions and designated non-financial businesses and professions to finance terrorism and launder the proceeds of criminal activities. They shall promote information exchange and cooperation, including on capacity building and other forms of technical assistance. They shall enforce measures to fight money laundering and terrorism financing, to disrupt illicit financial flows, thereby depriving criminals of profits, and to ensure the effective and full implementation of Financial Action Task Force recommendations. They shall support the establishment and strengthening of national asset recovery legislation and bodies, the confiscation of criminal assets, their return and mobilisation for public benefit purposes, and extending the criminal liability of the perpetrators and facilitators of crime.

4. The Parties shall strengthen cooperation to prevent and combat high-technology, cyber- and electronic crimes and the distribution of illegal content online. They shall strengthen capacity to address cybercrime by, *inter alia*, pooling and training human resources and fostering collaboration among policy-makers, economic operators and researchers. They shall exchange information on the education and training of cybercrime investigators, the investigation of cybercrime and digital forensic science. They acknowledge that the Budapest Convention on Cybercrime and other applicable international standards provide a basis for promoting international cooperation and contribute to the development of domestic policies on cybercrime.

5. The Parties shall take measures to enhance individuals' and communities' resilience to terrorism and violent extremism. They shall intensify efforts to exchange information and expertise on terrorist groups and their support networks, fully respecting the rule of law, human rights and the right to privacy. They shall cooperate to bring perpetrators of terrorism to justice and shall adopt measures to facilitate the rehabilitation and reintegration into society of nationals of each Member State of the European Union and of each Caribbean State party, respectively, who have been radicalised.

ARTICLE 38

Illicit drugs

1. The Parties shall cooperate to mitigate the challenges, including as regards security and health, posed by the cultivation, production and consumption of illicit drugs and psychoactive substances, and the trafficking and transit of these substances through their territories. Such cooperation shall be on a bilateral, regional, multilateral or triangular level as appropriate.

2. The Parties shall cooperate to reduce the supply of and demand for drugs, on the basis of the principle of common and shared responsibility and on an integrated, balanced and evidence-based approach.

3. The Parties shall cooperate to improve judicial and law enforcement capacities, including their reporting capabilities. They shall identify, disrupt and dismantle transnational organised criminal groups through strengthened mechanisms for the exchange of information and drug-related criminal intelligence, while promoting joint investigations and operations, including with neighbouring countries.
4. The Parties shall address risk factors related to drug abuse affecting individuals, communities and societies. They shall strengthen the rule of law and build accountable, effective and inclusive institutions and public services to combat drug-related violence.
5. The Parties shall adopt measures to support alternative developmental activities to replace illegal drug cultivation and production in rural and urban areas, and to enhance the economic welfare of affected vulnerable populations, while simultaneously fostering social inclusion at community level and in the wider society.
6. The Parties shall intensify and accelerate efforts to reduce demand and shall take the necessary measures to address the health and social impacts of drugs. They shall take age- and gender-appropriate measures tailored to the specific needs of vulnerable groups through, *inter alia*, prevention, treatment, care, rehabilitation and social reintegration programmes.
7. The Parties shall address new and emerging threats related to the illegal production, use and abuse of synthetic substances including opioids and shall develop and enhance programmes and improve reporting mechanisms to address the illicit use of precursor chemicals.

ARTICLE 39

Law enforcement cooperation and integrated border management

1. The Parties shall foster dialogue and cooperation on law enforcement, and strategic judicial cooperation. They shall promote cooperation between law enforcement agencies to exchange information and criminal intelligence in a timely manner, encourage the sharing of best practices and develop capacities.
2. The Parties shall support regional security cooperation by strengthening integrated border management, information and intelligence sharing, and data gathering and analysis, while respecting relevant legal frameworks on the protection of personal data. They shall promote the peaceful resolution of border disputes and controversies in line with international law. They shall support confidence-building measures and specific development strategies, where appropriate, to increase trust and reduce possible border tensions.

ARTICLE 40

Maritime and aviation safety and security

1. The Parties shall develop cooperation on maritime and aviation matters, with a view to improving safety and security, and shall enhance, *inter alia*, the targeting and management of high-risk cargo, in accordance with international law and relevant UN resolutions.

2. The Parties shall enhance maritime security, in accordance with UNCLOS, by responding to threats to ships and critical maritime installations and assets, improving monitoring and enforcing relevant laws and regulations. They shall take action against piracy, armed robbery and all forms of organised crime at sea, including through the use of space technologies.

TITLE IV

HUMAN DEVELOPMENT, SOCIAL COHESION AND MOBILITY

ARTICLE 41

The Parties are determined to eradicate poverty in all its forms by 2030, effectively tackle inequality, achieve gender equality and empower women and youth to ensure that everyone has the necessary means to enjoy a life in dignity. They are also determined to promote social cohesion, and create the conditions for the effective participation of people in democratic life and their active contribution to sustainable economic growth. They shall pay special attention to persons in vulnerable situations, including women, children, elderly, indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and local communities and persons with disabilities. They shall take concrete measures to promote social protection as a fundamental investment for poverty eradication and fighting inequality, and as an important means to create a self-strengthening cycle towards inclusive and sustainable economic development, by reinvesting economic gains more broadly into society and people and increasing social resilience. The Parties shall adopt a comprehensive and balanced approach to migration. They shall address migration in a spirit of solidarity, partnership and shared responsibility, and in accordance with their respective competences. The Parties shall harness the benefits of migration, promote the integration of migrants, leverage the diaspora's knowledge, entrepreneurial skills and investment and maximise the use of remittances as a source of funding for inclusive and sustainable development. They shall also pursue an open dialogue on mobility between the European Union and the Caribbean and they shall cooperate to reduce the negative impact of loss of skills on the development of countries.

CHAPTER 1

SOCIAL SERVICES

ARTICLE 42

Education

1. The Parties shall consolidate and promote inclusive, affordable and equitable access to, and enhance the quality of, education at all levels, including through strengthened and inclusive national education systems and improved infrastructure and equipment, with particular attention to persons with disabilities. They shall support the advancement of gender equality, to develop an enabling environment in which boys and girls have equal educational opportunities and comparable educational attainment.
2. The Parties shall support the expanded delivery and application of science, technology, engineering and mathematics and arts at all levels of the education system.
3. The Parties shall promote the use of accessible and affordable innovative technologies for educational purposes and the development of digital skills and literacy for all.
4. The Parties shall cooperate to reinforce enrolment and quality in tertiary education, technical and vocational training, and non-formal, work-based and lifelong learning, with a view to increasing the number of highly educated people and skilled workers.

5. The Parties shall cooperate to strengthen academic development, promote the mutual recognition of qualifications and facilitate the mobility of students, staff and academics between the Caribbean and the European Union.

6. The Parties shall cooperate to promote academic research, development and innovation, through, *inter alia*, enhancing collaboration among key institutions and advancing the use of scientific research and analysis in pursuit of mutually beneficial academic excellence.

ARTICLE 43

Health

1. The Parties shall promote universal and affordable health coverage and equitable access to health services, including through strengthened national health systems, the development of sustainable quality infrastructure and access to safe and affordable essential medicines, vaccines and diagnostics.

2. The Parties shall cooperate to address the growing incidence and burden of non-communicable diseases, taking steps towards prevention and control, including through the promotion of healthy diets and lifestyles, the use of digital tools and health education.

3. The Parties shall strengthen national and regional capacities to detect and respond rapidly and effectively to outbreaks of communicable diseases and other health emergencies of national and international concern, following a "one health" approach that encompasses human health, animal health, plants and ecosystems.

4. The Parties shall cooperate to address public health emergencies through, *inter alia*, the use of early warning systems for the swift exchange of information, the development of coherent and multi-sectoral plans to enhance the capacity of health systems, the provision of essential and affordable medicines, vaccines and health equipment, including diagnostics, and the delivery of humanitarian assistance and relief. They shall strengthen international cooperation to mitigate the impact of global public health emergencies.

5. The Parties shall promote research and the sharing of knowledge, experiences and best practices in the health sector.

ARTICLE 44

Housing, water and sanitation

1. The Parties shall support universal access to decent, safe and affordable housing, with particular emphasis on vulnerable and marginalised people, including indigenous peoples as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and local communities, in order to generate a positive impact on people's health, advance communities' socio-economic development and address the inequalities between urban and rural households. They shall promote climate-smart housing and infrastructure, through, *inter alia*, the design and enforcement of building codes.

2. The Parties shall enhance access to safe, affordable and sustainable water supply, including through the development of sustainable and integrated water resources management, solid waste management and the promotion of water recycling measures.
3. The Parties shall promote adequate, equitable and affordable access to sanitation and hygiene services for all, paying special attention to the needs of women and girls and those in vulnerable situations.
4. The Parties shall promote universal and improved access to affordable electricity and increase efficient and sustainable energy usage for all.

ARTICLE 45

Sustainable urbanisation and rural development

1. The Parties shall promote an enabling environment for sustainable rural and urban development. They shall foster sustainable land-use planning, paying particular attention to transparent and regulated land acquisitions and property rights, sustainable urban mobility and smart and safe cities.
2. The Parties shall promote a balanced development of rural economies and communities, with a particular focus on employment and income generation. They shall accelerate rural diversification by adding value to local production and shall harness natural and cultural resources.

3. The Parties shall promote inclusive, balanced and integrated urban and rural policies, and multi-level governmental coordination, by actively engaging local authorities and communities and by forging stronger links between rural and urban areas.

ARTICLE 46

Food security and improved nutrition

1. The Parties shall cooperate to ensure that all have access to sufficient, affordable, safe and nutritious food, with a view to ending all forms of malnutrition and averting food crises. For that purpose, they shall pay special attention to the most vulnerable countries, including those affected by disasters and persons in vulnerable situations.

2. The Parties, acknowledging the negative impact of reduced agricultural output, high reliance on imported food items and overexploitation of fish stock on food security and nutrition, shall support the sustainable development of local agriculture, fisheries and food production.

3. The Parties shall cooperate to address the impact of food crises and ensure timely action to make food available locally by developing policy interventions and infrastructure, including investing in climate-resilient transport and storage systems. In that context, they shall address the needs of the most vulnerable populations.

CHAPTER 2

SOCIAL COHESION

ARTICLE 47

Equality, social protection and decent work

1. The Parties shall promote equality by adopting policies in support of progressively attaining and sustaining income growth of the poorest members of the population at a rate higher than the national average.
2. The Parties shall promote equitable and sound fiscal, economic and social policies oriented to more inclusive societies, with improved income distribution to reduce inequality and inequity.
3. The Parties shall work towards the extension of social protection coverage, especially for persons in vulnerable situations, with the aim of progressively reaching universality, through social safety nets, basic income security and adequate and shock-responsive social protection systems. They shall promote research and sharing of knowledge, experiences and best practices on social protection.

4. The Parties shall promote the creation of inclusive and well-functioning labour markets and employment policies directed towards achieving international standards for decent work for all, and fair wages that provide for a decent standard of living, including enhancing health and safety conditions for workers. They shall combat all forms of exploitation, including sexual and work exploitation, in both formal and informal sectors.

5. The Parties shall address issues related to the informal economy, including innovative access to financial services, credit and micro-finance, and strengthened social protection measures, with a view to facilitating a smooth transition to the formal economy.

6. The Parties shall take concrete measures to promote the rights of persons with disabilities with a view to advancing the effective implementation of relevant international agreements, promoting their full inclusion in society without discrimination of any kind and their equal access to social services and labour markets.

7. The Parties shall promote social cohesion through, *inter alia*, protecting and enhancing tangible and intangible cultural heritage and the diversity of cultural expressions.

ARTICLE 48

Gender equality and empowerment of women and girls

1. The Parties shall strengthen policies, programmes and mechanisms aimed at promoting gender equality and ensuring and improving equal opportunities for participation in all sectors of political, economic, social and cultural life. They shall ensure that the gender perspective is systematically mainstreamed across all policies, including through the creation and consolidation of legal frameworks.
2. The Parties shall ensure women's and girls' physical and psychological integrity by adopting legislative and policy measures to end child, early and forced marriages, and by eliminating all forms of sexual and gender-based violence, particularly domestic violence against women and men, trafficking in persons, all forms of sexual and work exploitation, and all forms of harassment in the public and private spheres. They shall facilitate access to justice and shall promote prevention and awareness-raising campaigns to advance behavioural change, in order to secure gender equality and women's and girls' empowerment.
3. The Parties shall support the effective implementation of all relevant international agreements, including the Convention on the Elimination of All Forms of Discrimination against Women, done at New York on 18 December 1979, and encouraging the ratification of its Optional Protocol.

4. The Parties shall ensure that the rights of women and girls are respected and promoted. They shall strengthen their social rights, in particular in the areas of health and education, including access to family planning services. They shall reinforce women's economic rights, including by facilitating their access to economic opportunities, financial services, enabling technology, employment and the control and use of land and other productive assets. They shall support women entrepreneurs, reduce the gender pay gap, and remove other discriminatory regulations and practices.

5. The Parties shall strengthen the participation and voice of women and girls in political life, including through enhanced access to electoral, policy and governance processes and positions, and in community-building efforts.

6. The Parties shall empower women's and girls' organisations and strengthen national and regional institutions' capacity to address issues relating to violence against women and girls, including prevention and protection from all forms of sexual and gender-based violence. They shall develop harassment investigation and accountability mechanisms, provide victims with care and support, and promote conditions of safety and security for women and girls.

7. The Parties shall commit to the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcomes of their review conferences. They shall further stress the need for universal access to quality and affordable comprehensive sexual and reproductive health information and education, taking into consideration the UNESCO international technical guidance on sexuality education, as well as the need for the delivery of sexual and reproductive health-care services. They shall pursue the effective implementation of the Montevideo Consensus on Population and Development, as appropriate.

ARTICLE 49

Youth

1. The Parties shall develop targeted policies to promote youth empowerment and facilitate their engagement in political, social, civic and economic life.
2. The Parties shall support youth entrepreneurship and promote the creation of sustainable jobs in all sectors with decent working conditions for young people, including by supporting them in acquiring labour market-relevant skills through education, technical and vocational training and enhanced access to technologies, and by supporting employment services to connect young people to employment opportunities and access to financial services and partnerships for start-ups.
3. The Parties shall establish governance structures to promote responsible youth citizenship, increase the influence of young people in decision-making processes and foster their active participation in political life and in community-building efforts. They shall promote increased participation of youth in environmental action, in particular climate change monitoring and adaptation programmes.
4. The Parties shall undertake measures to improve access for youth to justice and strengthen child protection systems. They shall take all appropriate measures to protect children from all forms of physical or mental violence, injury, abuse, neglect or negligent treatment, maltreatment and exploitation, including sexual abuse.

5. The Parties shall promote social and justice programmes for the prevention of juvenile delinquency and for the integration of youth into economic and social life. They shall support institutions, such as schools, social and faith-based organisations and youth groups, that contribute to building resilience in at-risk youth and vulnerable communities.

ARTICLE 50

Sports

The Parties shall promote sport and physical education as a driver for sustainable development, health and well-being, social inclusion, non-discrimination and human rights advancement. They shall collaborate to harness the economic, cultural and social power of sports by, *inter alia*, developing adequate facilities, promoting participation in sport and other physical activities, and exchanging best practices. They shall promote the mobility of sports people and associated professionals as a means to strengthen intercultural dialogue and cooperation.

CHAPTER 3

MIGRATION, MOBILITY AND DEVELOPMENT

ARTICLE 51

Migration, mobility and development

1. The Parties acknowledge the contribution of legally residing migrants and their diaspora to the economic, social, political and cultural life of their host countries. They shall support their integration by promoting, *inter alia*, entrepreneurship, business support and skills development in accordance with their respective competences. They reaffirm their commitment to respect the human rights of all migrants and forcibly displaced persons, including refugees and asylum seekers, in full respect of international law, with a special emphasis on people in vulnerable situations, particularly women and children.
2. The Parties shall pursue an open dialogue to promote mobility and short-term stays in order to enhance exchange in areas such as tourism and business, as well as to foster mutual understanding and promote shared values. That exchange shall also take into account the specific situation of the OCTs associated with the EU and the outermost regions of the EU, in recognition of their physical proximity and economic and cultural ties and other areas of cooperation.

3. The Parties shall consider the development of schemes for circular migration, and shall implement and improve, as appropriate, the legal frameworks for facilitating the re-entry procedures of nationals of a Member State of the European Union or of an OACPS Member who reside legally in the territories of the OACPS Members or the Member States of the European Union, respectively. They shall consider aspects of reintegration of nationals of a Member State of the European Union or of an OACPS Member who reside legally in the territories of the OACPS Members or the Member States of the European Union, respectively, in the countries of origin to ensure that their gained experience or qualifications can benefit the local labour market and community.

4. The Parties shall cooperate to reduce the negative impact of loss of skills on the development of countries. They shall further adopt a coherent approach to advance the training of select professionals in the Caribbean, which includes expanding training schemes and promoting the enrolment of EU citizens.

5. The Parties, recognising the importance of remittances as a source for inclusive and sustainable development if properly managed, shall aim to reduce the transaction costs of remittances to less than 3 % and eliminate remittances corridors with costs higher than 5 % by 2030, promote financial inclusion via innovative financial instruments and new technologies, and improve regulatory frameworks for enhanced involvement of non-traditional economic actors. The Parties shall enhance the contribution of diaspora to the sustainable development of their countries of origin, by promoting and facilitating diaspora investment, and business creation as a means to boost local development and entrepreneurship in countries of origin as well as to transfer knowledge, experience and technology.

6. The Parties shall develop measures to harness the benefits of south-south migration and mitigate any negative impact on the basis of the principles of solidarity, shared prosperity and responsibility.

7. The Parties shall promote the exchange of best practices of Caribbean-EU and intra-regional mobility schemes, including free movement of persons in regional integration processes.

PACIFIC REGIONAL PROTOCOL

PART I

FRAMEWORK FOR COOPERATION

CHAPTER 1

NATURE AND SCOPE

ARTICLE 1

Genuine partnership

1. For the purposes of this Protocol, "Parties" means the relevant parties bound by this Protocol pursuant to Article 6 of the General Part of this Agreement.
2. Relations between the Parties shall be governed by the provisions of the General Part of this Agreement and the specific aims set out in this Protocol, which are complementary and mutually reinforcing, in accordance with Article 6 of the General Part of this Agreement.

3. The Parties agree to strengthen their relations and intensify cooperation with a view to promoting shared values, common interests, responsibilities and obligations. This genuine partnership shall be implemented in the spirit of mutual respect and accountability, equality and shared ownership.

ARTICLE 2

Multilateralism

1. The Parties shall strengthen dialogue and cooperation and intensify efforts in support of multilateralism and the rules-based global order.

2. The Parties shall endeavour, through appropriate partnership dialogue as referred to in Article 3 of the General Part, to build strategic coalitions on a number of global issues, in particular as regards climate change, ocean governance, biodiversity, inclusive and sustainable economic development, human rights and issues related to peace and security. Where appropriate, they shall coordinate their positions in the frameworks of the United Nations (UN) and other international and regional organisations and forums. They shall take concrete measures to sign, ratify or accede to, as appropriate, and implement key international treaties and conventions.

ARTICLE 3

Aims

The Parties reaffirm the broad and comprehensive nature of this Protocol and agree that its aims are, *inter alia*, to:

- (a) strengthen their political partnership, underpinned by regular dialogue and the promotion of common interests;
- (b) improve environmental and climate resilience, and pursue the sustainable management of natural resources;
- (c) build democratic, peaceful and rights-based societies, based on the rule of law and good governance, and make progress on gender equality and financial governance;
- (d) support inclusive and sustainable economic growth through bolstered investment and private sector development, with special attention to the blue economy and enhanced connectivity;
- (e) support concrete measures aimed at strengthening ocean governance and the conservation and sustainable management of living marine resources including fisheries; and
- (f) invest in human and social development, addressing inequalities and ensuring that nobody is left behind, with special attention to the promotion of youth and to the economic, social and political empowerment of women and girls.

ARTICLE 4

Regional integration and cooperation

1. The Parties shall support the process of regional integration and cooperation in the Pacific as a way of managing cross-country challenges and facilitating the implementation of this Protocol in order to reap full benefits from it, taking into consideration their relevant policy frameworks, including the Framework for Pacific Regionalism.

2. The Parties agree to step up cooperation with regional organisations, countries and territories that share the same values and are willing and able to promote and address common goals, contributing to the political, economic and social development of the Pacific region as a whole.

3. The Parties shall promote and support south-south and triangular cooperation as a means of strengthening regional cooperation.

CHAPTER 2

ACTORS AND PROCESSES

ARTICLE 5

Institutional provisions

1. The joint institutions established by this Protocol, as defined in the General Part of this Agreement, including their composition and functions, are the following:
 - (a) the Pacific-EU Council of Ministers;
 - (b) the Pacific-EU Joint Committee;
 - (c) the Pacific-EU Parliamentary Assembly.

2. The Parties may decide to meet at the level of Heads of State or Government, as deemed necessary, on the basis of a mutually agreed timetable and agenda.

ARTICLE 6

Overseas Countries and Territories in the Pacific region

1. The Parties agree to strengthen the links between the Overseas Countries and Territories (OCTs) associated with the EU in the Pacific region and the Pacific OACPS Members.
2. The Parties shall endeavour to involve the OCTs in regional integration, cooperation and organisations, as appropriate, especially in the areas of climate change, environmental sustainability, sustainable management of natural resources, connectivity, and trade and investment.
3. The Parties agree that the OCTs in the Pacific region shall be granted the role of observers in the joint institutions established by this Protocol.

ARTICLE 7

Mechanisms for consultation and engagement with stakeholders

The Parties shall establish consultation and dialogue mechanisms with all relevant stakeholders, including local authorities, representatives of civil society, and the private sector, in order to keep them informed of, and gather inputs for, the effective implementation of this Protocol, including in view of the Pacific-EU Council of Ministers.

ARTICLE 8

Implementation, monitoring and evaluation

1. The Parties, when implementing actions for each area of cooperation, shall, in accordance with the legal framework set up by this Agreement, take into consideration their respective strategic and policy frameworks, including regional strategies adopted by Pacific OACPS Members, as appropriate.
2. The Parties shall take action and implement measures at the most appropriate domestic, regional and multi-country level. They shall seek to maximise the impact on, and reinforce the involvement of, interested stakeholders, including through capacity building.
3. The Parties shall monitor this Protocol to ensure that actions and measures are implemented effectively and efficiently, including through a multi-stakeholder approach. They may adapt it to evolving circumstances and expand its scope to enhance cooperation in existing and new areas, in accordance with the procedure set out in Article 99(5) of the General Part of this Agreement.
4. The Parties shall conduct regular independent monitoring and evaluation assessments of the activities envisaged in the key areas of cooperation under this Protocol.

PART II

KEY AREAS OF COOPERATION

TITLE I

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE CHANGE

ARTICLE 9

The Parties, acknowledging the serious threat posed by climate change, sea-level rise and environmental degradation to the achievement of sustainable development and to the lives of people, and recognising the significant risks for small island developing states, shall build resilience to climate change and shall reverse environmental degradation. They shall take ambitious action to mitigate and adapt to climate change, to avert, minimise and address the risks of loss and damage, to protect and improve the quality of the environment, and to support the sustainable management of natural resources. They shall adopt measures to tackle biodiversity loss, maintain and restore ecosystems, promote ocean governance, and prevent and respond to disasters. They shall invest in green growth, circular economies and renewable energy, ensuring that economic growth goes hand in hand with environmental sustainability.

ARTICLE 10

Climate action

1. The Parties, recalling the objectives, principles and provisions of the UN Framework Convention on Climate Change and the Paris Agreement and stressing the need to step up the global efforts to tackle climate change in light of the findings of the Special Report of the Intergovernmental Panel on Climate Change on the impacts of global warming of 1.5 °C above pre-industrial levels, agree to contribute to global emission reduction, in line with keeping the increase in global average temperature to well below 2 °C above pre-industrial levels and pursue efforts to limit global warming to a 1.5 °C pathway. They recognise the importance of reaching net zero global anthropogenic emissions as soon as possible. They commit, to that end, to successive nationally determined contributions (NDCs) that will represent a progression beyond their current NDCs and reflect their highest possible ambition, in light of different national circumstances, and reaffirm their objective of each achieving climate neutrality by 2050.
2. The Parties shall develop comprehensive and inclusive domestic climate policies and programmes, including through legislative and governance frameworks, and shall carry out concrete actions to scale up the implementation of the Paris Agreement. They shall develop monitoring, reporting and verification, and evaluation systems to track progress on climate action.

3. The Parties shall accelerate and intensify efforts to adapt to the impacts of climate change, including by developing and implementing ambitious national adaptation plans. They shall develop and implement policies, strategies and legislative frameworks with a view to integrating adaptation into relevant socioeconomic and environmental sectors.

4. The Parties, recognising that fossil fuel energy and the transport sector contribute significantly to carbon emissions, undertake to develop energy efficiency and renewable energy solutions and to further reduce carbon emissions from the land-, aviation- and maritime-transport sectors. They shall strengthen cooperative action on technology development and transfer. They shall aim to rationalise and phase out inefficient fossil fuel subsidies that encourage wasteful consumption and to minimise the possible adverse impacts, in a manner that protects the poor and affected communities.

5. The Parties shall apply integrated, holistic and balanced non-market approaches to addressing climate change and its impacts, taking into account the vulnerability of small island developing states and taking into consideration their relevant policy frameworks, including the Framework for Resilient Development in the Pacific (FRDP) and the Pacific Resilience Partnership.

6. The Parties shall support action to align finance flows with a pathway towards low greenhouse gas emissions and climate-resilient development. They shall cooperate to mobilise climate finance from a wide variety of sources, instruments and channels to support the development and implementation of national adaptation plans and NDCs beyond current levels, in line with the Paris Agreement.

7. The Parties shall promote an ambitious phase-down of hydrofluorocarbons under the Montreal Protocol on Substances that Deplete the Ozone Layer, done at Montreal on 16 September 1987, and the Kigali Amendment thereto. They shall encourage all the Parties to the Protocol to ratify and ensure the swift implementation of that Amendment.

8. The Parties shall strengthen coordination across all levels of governance and shall take action based on and guided by the best available science and, as appropriate, traditional knowledge, indigenous and local knowledge systems. They shall encourage and enable local authorities to make and implement ambitious climate and energy commitments. They shall promote existing initiatives, such as the Global Covenant of Mayors for Climate and Energy, and the implementation of their action plans.

9. The Parties shall work together towards developing knowledge networks for climate adaptation and response and strengthening scientific, technical, human and institutional capacity for climate action and environmental management and monitoring, including through space technologies and information systems.

ARTICLE 11

Environment and sustainable management of natural resources

1. The Parties shall support the conservation, sustainable use and restoration of ecosystems and the services they provide, linking biodiversity to livelihoods. They shall protect, restore and enhance biodiversity, in line with the Convention on Biological Diversity and the Post-2020 Global Biodiversity Framework. They shall support the development of long-term strategies focused on mainstreaming biodiversity in national and regional frameworks in the Pacific region, ensuring coordination and coherence across institutions, and generating evidence to inform decision-making.

2. The Parties shall promote an integrated approach to, and strengthen enforcement mechanisms for, the sustainable management and use of natural resources and the environment at all levels, including the development of a circular and green economy, taking into account the needs of current and future generations and, where appropriate, indigenous, traditional and customary practices.

3. The Parties shall cooperate to ensure the sustainable management of their forest resources and other tree resources, reduce and reverse deforestation, combat illegal logging and trade in illegal wood and wood-based products, restore the functions of natural forests, including the provision of ecosystem services, and promote responsible mining, taking into account demands for sustainable development, including the economic, social and environmental needs of their growing populations.

4. The Parties shall promote sustainable integrated water management systems, preserving and protecting water sources and ecosystems, collecting and treating wastewater, addressing land degradation, the pollution of water and groundwater resources, and the uncertainties of water availability through water collection and storage systems.

5. The Parties shall cooperate to combat the threat of invasive alien species in terms of local species' extinction, biodiversity, ecosystem functions and services, people's livelihoods and resilience, and trade and economic development.

6. The Parties shall effectively address all forms of pollution. They shall work towards establishing the necessary regulatory frameworks and enforcement mechanisms for the sound management of chemicals and waste. They shall aim to prevent or minimise the generation of waste at source, and to improve product reusability, recyclability and resource efficiency in order to adapt production and consumption to the achievement of a circular economy. They shall take measures to prevent or minimise hazardous substances in material cycles and to manage chemicals in products throughout their lifecycle.

ARTICLE 12

Disaster resilience

1. The Parties shall cooperate to build the resilience of people, societies, institutions and infrastructure to disaster events. They shall take into account the strong links between disasters and climate change and the impacts of disasters on human and social development, the livelihoods of people, especially of vulnerable groups and individuals, cultural heritage, environmental integrity, economic development and human security. They shall endeavour to implement and monitor the Sendai Framework for Disaster Risk Reduction 2015-2030, including through the exchange of information and best practices, taking into consideration their relevant policy frameworks, including the FRDP.
2. The Parties shall promote a holistic approach to disaster risk reduction, including taking into consideration the FRDP, by investing in risk prevention and preparedness, integration of risk reduction efforts in recovery actions and the promotion of financial risk insurance. They shall support the resilience of public services, infrastructure, food security and water security, ensuring that investments consider and respond to a realistic understanding of future risks. They shall put climate resilience at the core of all reconstruction and recovery efforts, including by implementing a "building back better" approach.

3. The Parties shall cooperate to strengthen access to, and the transfer and systematic use of, relevant technologies for resilience building. They shall invest in the collection and use of disaster statistics and loss data, comprehensive risk assessment, the implementation of risk reduction plans at all levels, and stronger links between disaster risk reduction and climate change adaptation. They shall support the use of space technologies and information to improve prevention, preparedness, response and recovery measures.

4. The Parties shall work towards strengthening inclusive risk governance at all levels, including capacity development for national and regional disaster risk reduction and climate innovation centres of excellence. They shall work towards increasing monitoring, early warning and risk assessment capacities, improving domestic and regional capacity and capability for prevention, mitigation, preparedness, response and recovery measures, including civil protection mechanisms, as well as capacity of local communities and institutions, focusing on the most vulnerable and marginalised households and groups.

5. The Parties shall monitor disaster risk- and climate risk-management priorities and objectives and evaluate them against international best practices.

TITLE II

INCLUSIVE AND SUSTAINABLE ECONOMIC DEVELOPMENT

ARTICLE 13

1. The Parties shall pursue integrated strategies and implement reforms to build resilient and diversified economies, promote economic growth and transformation, strengthen business and trade relations, and support the transition towards full, quality employment. They undertake to create a business environment that is conducive to greater flows of investment and to private sector development. They shall strengthen and deepen intra-regional economic cooperation, including the mobility of goods and services. They shall encourage and facilitate wider use of their respective currencies in international transactions.

2. The Parties shall promote measures in support of the transformative nature of science, technology, innovation and research. They shall work towards achieving circular, low-emission and climate-resilient economies and ensuring that all people benefit from unlocked business opportunities, that core labour standards are respected and upheld, including through social dialogue, and that the socio-economic empowerment and inclusion of vulnerable people, women and youth is promoted, including through appropriate social protection measures. They agree to concentrate efforts on key sectors with a multiplier effect on sustainable growth, job creation and poverty eradication, including the possibility of cooperating on new economic areas.

CHAPTER 1

ECONOMIC GROWTH AND DIVERSIFICATION

ARTICLE 14

Enablers of economic development

1. The Parties shall pursue measures that support the attainment of higher levels of economic productivity through diversification, technological upgrading and innovation, as a priority, and that improve macro-economic and financial sector stability, simplify and harmonise business regulations and processes, strengthen effective and predictable tax systems, and improve the efficiency of public administration and judicial systems. They shall adopt sound competition policies and ensure the protection of land rights, property rights and intellectual property rights.

2. The Parties agree to promote sound business facilitation legislation, regulations and policies aimed at reducing regulatory and administrative barriers and enhancing transparency while developing entrepreneurial skills and a business culture aimed at increasing investment and private sector development. They shall also promote corporate social responsibility and responsible business conduct, including as regards environmental considerations.

3. The Parties agree to address and enhance human capital development, in particular through investment in, and support for, the creation of a highly educated, trained, skilled, qualified and efficient workforce sufficiently trained to access decent employment, including in new dynamic growth sectors, matching the demands of labour markets and enhancing private sector involvement. They shall place particular emphasis on enhancing digital literacy, technical and vocational education and training and tertiary education programmes.

4. The Parties shall promote policies that enhance the relevance, efficiency and effectiveness of labour-market institutions. They shall promote intra-regional labour mobility in support of the development needs of the Pacific OACPS Members and to respond positively to the needs of the private sector and to contribute to improved economic integration, greater investment and enhanced business productivity.

5. The Parties shall support the development of key infrastructures such as energy, transport and water, as well as of information and communication technologies (ICT) services and digital connectivity.

6. The Parties shall promote the development of rural areas and the diversification of the rural economy, including by strengthening linkages between resilient infrastructures, tourism, agriculture and industry.

7. The Parties shall support measures to improve the quality, availability and accessibility of insurance, financial and non-financial services for private enterprises, in both the formal and informal sectors. They shall improve access to affordable finance, including by developing viable banking and non-banking systems and strengthening digital financial services that facilitate value addition through the integration of firms, particularly micro, small and medium-sized enterprises, into regional and global value chains, and through enhanced production, trade regulatory capacity, entrepreneurship, improved business facilitation, the diversification of products and export destinations, and technological enhancement and innovation, including of e-commerce platforms.

ARTICLE 15

Investment

1. The Parties commit to encouraging, creating and maintaining a conducive environment for responsible investment for their mutual benefit. They shall streamline and accelerate administrative procedures and requirements, and shall support measures that create a predictable and secure investment climate, facilitate partnerships and promote public-private sector dialogue.

2. The Parties agree to attract and retain sustainable and responsible public and private investment, including foreign direct investment, through blending, guarantees and other innovative financial instruments to boost investor confidence. They shall endeavour to provide investors with adequate and easily accessible information on business opportunities in both the EU and the Pacific OACPS Members.

3. The Parties undertake to cooperate in facilitating investments through an appropriate intervention mix, with particular attention to youth and women.

ARTICLE 16

Private sector development

1. The Parties shall support the development of a dynamic, competitive and responsible private sector, including through the adoption of the necessary policies and economic, institutional and legislative reforms at national or regional level, or both. They shall take measures to strengthen and improve private sector productivity and efficiency. They shall pay special attention to the growth and improved competitiveness of micro, small and medium-sized enterprises, to business incubators and to the development of cottage industries.

2. The Parties shall seize the opportunities of technological progress and the digital economy. They shall endeavour to mobilise investment in support of research and innovation, and the digital economy, and to encourage the private sector to boost digitalisation, in particular in terms of investments, innovation, market knowledge, access and expertise.

3. The Parties shall promote industrial development with a view to the achievement of sustainable economic growth. They shall adopt targeted policies aimed at facilitating industrial growth and opportunities, notably through the creation of linkages and value-adding activities, including small-scale industries. They shall encourage the development of appropriate technologies and processes and the diversification of niche products. They shall develop and implement strategies that build regional and national capacity for competitiveness in medium- and high-tech manufacturing and exports.

4. The Parties shall support increased resource-use efficiency and the adoption of cleaner and more environmentally sound technologies and industrial processes. They shall effectively address all forms of pollution resulting from economic activities, including through a clear definition of responsibilities and their attribution to the industry and business operators throughout the supply chain, on the basis of the extended producer responsibility and the polluter pays principles.

ARTICLE 17

Science, technology, innovation and research

1. The Parties shall cooperate in scientific research, technological development and innovation, with the aim of promoting social and economic development, tackling societal challenges and improving regional competitiveness. They shall develop the interconnection and interoperability of research networks and of computing and scientific data infrastructures and services, promoting such development within their regional context.

2. The Parties shall facilitate, as appropriate, access to each other's science, technology and innovation programmes, research infrastructures and facilities, publications and scientific data in areas of relevance, including climate change and oceans.

3. The Parties shall cooperate on matters of common interest in the area of civil space activities, such as space research, Global Navigation Satellite System applications and services, development of satellite augmentation systems, Earth Observation and Earth Science, particularly on the use of early warning and surveillance.

ARTICLE 18

Remittances

The Parties, recognising the importance of remittances as a major source for inclusive and sustainable development, shall endeavour to reduce the transaction costs of remittances to less than 3 % and eliminate remittances corridors with costs higher than 5 % by 2030, to promote financial literacy awareness and financial inclusion via innovative financial instruments, and to improve regulatory frameworks for enhanced involvement of non-traditional players, including through the use of new technologies.

CHAPTER 2

TRADE COOPERATION

ARTICLE 19

Trade integration

1. The Parties undertake to boost trade opportunities to their mutual advantage as well as with the wider region including the OCTs. They shall aim to foster the smooth and gradual integration of the OACPS Pacific Members into the world economy, especially by making full use of the potential of regional integration and trade with other regions.
2. The Parties shall support the implementation and functioning of the existing Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, encouraging the accession of interested countries and where appropriate broadening the scope of that agreement.
3. The Parties shall support regional economic integration processes in the Pacific region, including trade facilitation and regulatory harmonisation, to enable countries to take advantage of trading with their neighbours and to foster their integration into regional and global value chains.

ARTICLE 20

Trade capacity

1. The Parties shall cooperate in building trade capacity, including through strengthened production and entrepreneurship, and increased investment in value-adding sectors. They shall ensure that the framework conditions and the right domestic policies are in place to facilitate greater trade flows.
2. The Parties shall cooperate in the area of trade facilitation, building on their respective commitments under the WTO Trade Facilitation Agreement. Such cooperation shall take into account the specific needs of Pacific OACPS Members, including those related to geographic constraints, technology, trade finance and connectivity. They shall endeavour to reduce trade costs related to imports, exports, transit and other customs procedures on the movement of goods and services, including the automation of customs procedures.
3. The Parties shall cooperate to prevent, identify and eliminate unnecessary technical barriers to trade as well as unnecessary non-tariff barriers restricting their exports. In particular, they shall cooperate to ensure compliance with international standards through appropriate capacity-building support, and improved quality control mechanisms and certification laboratories.
4. The Parties shall cooperate to strengthen sanitary and phytosanitary regulations and practices, including through institutional and regulatory mechanisms and adequate information systems and infrastructures.

5. The Parties shall cooperate to implement administrative cooperation and verification arrangements in their trade relations.

6. The Parties, recognising the contribution of digital technology to trade facilitation, agree to cooperate towards appropriate Pacific regional digital platforms for national and cross-border trade.

ARTICLE 21

Services

1. The Parties shall support the development of a robust and vibrant services sector, acknowledging its importance in terms of its contribution to economic growth and job creation, in providing inputs to all economic activities and in facilitating transformative production and export processes.

2. The Parties shall cooperate to strengthen capacity in the supply of services. They shall pay particular attention to services related to the movement of natural persons for business purposes, financial and other business services, tourism, cultural and creative industries, and construction and related engineering services.

3. The Parties agree to encourage the establishment of mutual recognition agreements where appropriate, including with a view to facilitating the recognition of professional qualifications. They shall cooperate to address barriers to trade in services, with a view to fostering competition, creating employment, spurring growth and development, and improving the quality of their services sector.

CHAPTER 3

KEY SECTORS

ARTICLE 22

Blue economy

1. The Parties shall promote a blue economy that is well managed and sustainable, and that aims to reconcile sustainable economic growth with employment creation, improved livelihoods and social equity, fair economic benefits, and strengthened food security, based on the conservation of marine ecosystems and biodiversity, and the sustainable use of resources.
2. The Parties shall cooperate to develop sustainable aquaculture through effective spatial planning, an ecosystem-based approach and an enhanced level playing field for investors, ensuring that it meets the concerns of local communities.
3. The Parties shall enhance sustainable fisheries development, including at the level of artisanal fisheries, by promoting sustainable value chains through enhanced investment in productivity and local processing capacities, while ensuring the sustainability of fisheries resources and improved food security and safety.

4. The Parties shall seize opportunities in the area of marine biotechnology, supporting research and reducing technical bottlenecks to facilitate access for investors, while avoiding risks to the marine environment.
5. The Parties shall promote research, innovation and the sharing of knowledge, best practices and lessons learned on the blue economy, including strengthening spatial planning and sound investment decision-making.
6. The Parties shall promote marine renewable energy with a view to accelerating the clean energy transition on all islands.

ARTICLE 23

Agriculture

1. The Parties shall promote sustainable agriculture and support agro-ecological practices and actions to build climate-resilient agriculture and ensure value addition and diversification, so as to improve livelihoods, expand incomes and create decent employment.
2. The Parties shall cooperate to increase opportunities for producers, processors and exporters, particularly smallholders, to access markets at national, regional and international levels, including through improved agricultural extension support, rural infrastructures and access to finance. They shall cooperate to ensure compliance with internationally accepted practices and standards, taking into consideration their relevant policy frameworks.

3. The Parties shall promote food security by developing inclusive and biodiverse nutrition-sensitive value chains, including through local value-addition and processing and enhanced capacities of value chain agents. They shall engage in the registration and protection of geographical indications for agricultural and food products from the Pacific region and the European Union.

4. The Parties shall cooperate to combat pests, diseases and invasive species affecting their agriculture.

ARTICLE 24

Tourism

1. The Parties undertake to ensure a balanced and sustainable development of tourism, maximising its potential for economic growth, the creation of decent jobs and increased government revenues while ensuring the integration of environmental, cultural and social dimensions.

2. The Parties shall enhance the protection and promotion of cultural heritage and natural resources, and shall strengthen linkages between tourism and other relevant economic sectors, in particular transport, agriculture and the blue economy.

3. The Parties shall cooperate to promote sustainable development practices and shall aim to optimise the socio-economic benefits of tourism, protecting land, oceans, people and cultures, respecting the integrity and interests of local communities, and supporting their involvement in the process of tourism development, in particular rural and community tourism and eco-tourism. They shall encourage investment in new technology for research and statistical development, climate and disaster resilience, biodiversity, waste management, renewable energy and energy efficiency, water and food security, and community livelihoods and participation.

4. The Parties shall bolster investment in the promotion and development of tourism products and services. They shall promote the development of innovative partnerships with relevant airlines and cruise operators and invest in human capital development, tourism training and capacity building, marketing, including digital marketing, and encourage business contacts and exchanges of skilled personnel, with a view to boosting competitiveness, improving service standards and for the further development of the tourism sector.

ARTICLE 25

Sustainable energy

1. The Parties recognise the importance of the energy sector for economic prosperity and for human and social development and human security, as well as the need for a smooth transition to a low-carbon economy. They shall endeavour to strengthen energy security and the resilience of energy infrastructures to improve accessibility and affordability of clean energy.

2. The Parties agree to support energy reforms in the Pacific region that contribute to reducing the carbon intensity of its development processes, increasing the efficiency of supply and end-use energy consumption, enhancing the resilience of energy infrastructure and decreasing net greenhouse gas emissions, taking into consideration their relevant policy frameworks, including the Framework for Action on Energy Security in the Pacific and the FRDP.

3. The Parties shall facilitate open, transparent and functioning energy markets that drive inclusive and sustainable investment in responsible generation, transmission and distribution, and in energy efficiency.

4. The Parties shall promote energy efficiency and energy savings at all stages of the energy chain, from generation to consumption, and shall strengthen, improve and transform power production, generation and distribution facilities, including by strengthening and expanding urban and rural power distribution grids.

5. The Parties shall promote the energy transition of the Pacific region through the development and uptake of clean, diverse, cost-effective and sustainable energy technologies, including renewable and low-emission energy technologies.

ARTICLE 26

Connectivity

1. The Parties, recognising the geographical constraints faced by Pacific island states, shall strengthen connectivity across the Pacific region, ensuring that it is sustainable, comprehensive, rules-based, and that it fosters investment and a level playing field for businesses. They shall endeavour to build safe, secure, resilient and sustainable transport links, by air, land and sea, and digital networks, from mobile to fixed, from the internet backbone to the last mile, from cable to satellites. They undertake to work towards energy connectivity, with the aim of fostering modern, efficient and clean solutions and to promote people-to-people contacts.

2. The Parties undertake to restructure, strengthen and improve transport and related infrastructure systems, facilitating and improving the movement of passengers, including those with reduced mobility, and of goods, and providing cost-effective, safe, secure and sustainable access to reliable and effective urban, air, maritime, inland-waterway, rail and road-transport services. They shall improve the overall governance of the transport sector, by developing and implementing efficient regulations to facilitate harmonisation across the Pacific region, to allow fair competition and interoperability within and between transport modes, as well as to activate and promote the participation of the private sector in transport projects, including on maintenance and on the elimination of capacity constraints and of missing-link infrastructures.

3. The Parties acknowledge the importance of cost-effective and efficient maritime transport services as the main mode of transport facilitating trade. They shall cooperate in the maritime transport sector to promote the efforts of Pacific OACPS Members in developing competitive ports and port services, including navigation infrastructure, with a view to improving the movement of goods and people.

4. The Parties shall cooperate in the aviation sector, including considering an increase in routes and frequency of air services into the Pacific region. They shall also cooperate to strengthen and improve aviation safety and security, and airspace surveillance, including capability to respond to related threats and risks. They agree to strengthen and improve air and sea travel navigational aid facilities, including air traffic control and cartography.

5. The Parties shall aim at boosting access to open, affordable and secure broadband connectivity and digital infrastructures, including through improved undersea cables. They shall take measures to facilitate easy access to ICT and support the appropriate utilisation of artificial intelligence and Internet of Things and the deployment of extensive low-cost wireless networks, adapted to local circumstances. They shall endeavour to establish the necessary regulatory institutions to license service providers, promote competitive behaviour and ensure consumer welfare and protection, strengthening regional cooperation, taking into consideration the relevant policy frameworks of the Parties, including the Pacific Regional ICT Strategic Action Plan.

ARTICLE 27

Extractive industries

1. The Parties, acknowledging the contribution of extractive industries to economic development, shall facilitate sustainable and responsible investment through appropriate legislation, policies and regulatory frameworks consistent with international best practices. They shall aim to ensure fair and undistorted access to extractive resources, while fully respecting national laws and the sovereignty of countries over their natural resources, and upholding the rights of affected local communities.
2. The Parties agree to promote the responsible management of extractive resources, including the development of legislative frameworks, taking into account environmental impacts. They shall promote transparency and accountability, in line with the principles set out in the Extractive Industry Transparency Initiative.
3. The Parties shall promote the use of relevant technologies to facilitate the sustainable and responsible exploration and exploitation of extractive resources.

ARTICLE 28

Forestry

1. The Parties shall promote the sustainable management of forests and the sustainable use of forest resources, reduce and halt deforestation and forest degradation, conserve forest biodiversity and ecosystems, combat illegal logging and associated trade, and promote resource- and energy-efficient products from sustainably managed forests.

2. The Parties shall promote sustainable value chains of agro-industries and forest commodities and products, prioritising the creation of jobs and other economic opportunities in the conservation of ecosystems. They shall cooperate in the sustainable management of forests, including the legal and sustainable provision of products for commercial gain and the sustainable commercialisation of forest flora and fauna, in full respect of international best practices and standards and relevant international agreements. They shall collaborate and promote the use of appropriate technology and methods to identify and develop herbs and other forest-based materials that would contribute to medicinal products, while ensuring that no loss of biodiversity is incurred, that no ecosystem imbalance is created, and that access to medicinal products is not hindered.

3. The Parties shall cooperate to improve the governance and sustainability of forests, including by taking into consideration the EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan and by encouraging the development of voluntary partnerships agreements. They shall strive to strengthen coherence and positive interactions at country level between the FLEGT Action Plan and climate action in the forest- and land-use sector, including in the context of other international initiatives, particularly the Warsaw Framework on Reducing Emissions from Deforestation and Forest Degradation (REDD+). They shall engage in the development and review of policies, legislation, regulations, strategies and plans for climate action in the forest- and land-use sector, in line with countries' NDCs. They shall take steps to improve the quality of inventories for emissions and removals from the forest sector.

4. The Parties shall support the development of forest adaptation and conservation strategies, and initiatives to enhance forest health, reverse deforestation, restore degraded forest landscapes, enhance resilience to climate change and re-establish forest cover. Recognising the importance of natural and virgin forests in providing ecosystems, climate and cultural services that our societies depend upon, they shall cooperate to develop and implement suitable approaches and positive incentives for their adaptation and conservation.

5. The Parties shall support the strengthening and capacity building of regional, sub-regional and national institutions and agencies responsible for the sustainable management of forests. They shall raise public awareness of deforestation at all levels and encourage the consumption of resource- and energy-efficient products from sustainably managed forests. They shall promote and support the use of alternative, sustainable and clean cooking fuel for local communities. They shall strengthen the involvement of local authorities and communities in forest protection.

TITLE III

OCEANS, SEAS AND FISHERIES

ARTICLE 29

The Parties acknowledge the essential role of oceans for life on earth, sustainable development and people's livelihoods. They agree to step up efforts to protect the oceans and seas from the adverse consequences and impact of different pressures such as climate change, ocean acidification and coral bleaching, overexploitation, illegal, unreported and unregulated (IUU) fishing and other destructive and unsustainable activities. They shall promote the sustainable development of the blue economy, protect marine ecosystems and biodiversity, reduce pollution of all kinds and deploy climate change mitigation and adaptation policies.

CHAPTER 1

OCEAN GOVERNANCE

ARTICLE 30

Sustainable oceans

1. The Parties acknowledge each other's efforts to ensure improved and integrated ocean governance, strengthened regional and sub-regional fisheries conservation and management measures, the monitoring, control and surveillance of fisheries, other region-specific strategies, and instruments for the effective management of the oceans.
2. The Parties shall take the necessary steps to implement relevant international and regional treaties, conventions and agreements on ocean governance to which they are party, and the conservation and management of resources provided for therein.
3. The Parties shall strengthen governance of the oceans for their sustainable use and conservation, in accordance with the UN Convention on the Law of the Sea (UNCLOS) and taking into consideration relevant regional frameworks, including by promoting an integrated management approach, taking into account social, economic and environmental dimensions of sustainable development.

4. The Parties shall cooperate to mitigate and alleviate pressure on the oceans and their resources, for safe, secure, clean and sustainably managed oceans, as well as to strengthen knowledge regarding oceans. They shall cooperate on the protection, preservation and restoration of coastal and marine ecosystems.
5. The Parties shall cooperate to prevent and reduce marine pollution and fight noise pollution and marine litter, including plastics and micro-plastics, oil spills and nuclear contaminants. They shall support and strive for the regulation of the reduction of greenhouse gas emissions from ships, actively supporting the urgent implementation of the initial International Maritime Organization strategy on reduction of greenhouse gas emissions from ships. They shall enact legislation and regulations governing the discharge of harmful waste and litter, including imposing penalties for violation.
6. The Parties agree to base their decisions on the best available science, with due regard to the principles of the ecosystem-based approach, the precautionary principle and the importance of traditional and indigenous knowledge.
7. The Parties shall strengthen cooperation on research, design and implementation of conservation and management measures, marine spatial planning and the establishment of marine protected areas and marine sanctuaries, in line with international law, based on the best available science, and taking into account indigenous and local communities' knowledge.
8. The Parties shall cooperate to build capacity and expertise in ocean governance, including through marine scientific research and the transfer of marine technology, in accordance with UNCLOS.

9. The Parties shall promote dialogue and cooperation on all aspects of ocean governance, including on matters related to climate change, sea-level rise and its possible effects and implications, seabed mining, fisheries, marine pollution, and research and development.

10. The Parties recognise the general concerns raised about the impact of seabed mining on the marine environment and its biodiversity. They shall use the best available science, apply the precautionary principle and ecosystem approach, promote research and share best practices in fields of mutual interest related to seabed mineral resources, in order to ensure the sound environmental management of activities for the protection and preservation of the marine environment and its biodiversity.

ARTICLE 31

Biodiversity of areas beyond national jurisdiction

1. The Parties shall cooperate, including through competent international and regional organisations and arrangements, on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, based on the best available science.

2. The Parties shall promote capacity building and the transfer of marine technology for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction, including through international cooperation.

CHAPTER 2

FISHERIES

ARTICLE 32

Sustainable conservation and management of fisheries resources

1. The Parties shall cooperate to ensure the conservation and sustainable management and use of fisheries resources at bilateral, sub-regional, regional and multilateral levels, as appropriate.
2. The Parties shall cooperate to ensure that fisheries resources are conserved and managed effectively and harvested sustainably, and that social and economic returns are optimised.
3. The Parties agree to promote transparent and science-based conservation and management measures in line with international law, in particular the rules and principles set out in UNCLOS and the UN Fish Stocks Agreement, and respecting conservation and management measures adopted by regional fisheries management organisations, where applicable.
4. The Parties shall cooperate to ensure the sustainable economic development of coastal fisheries through effective policies, laws and regulations. They shall promote access to fisheries resources by local communities and small-scale and artisanal fishers, and shall promote food security and inter-generational and intra-generational equity.

ARTICLE 33

Illegal, unreported and unregulated fishing

1. The Parties in accordance with international obligations shall maintain or adopt initiatives to combat IUU fishing in their respective jurisdictions, in other jurisdictions and on the high seas, recognising that such activities constitute a serious threat to the effective conservation, management and sustainable exploitation of fisheries.

2. The Parties shall implement policies and measures to exclude IUU fishing products from trade flows. They shall implement and enforce monitoring, control and surveillance measures, such as observer schemes, vessel-monitoring systems, fishing licences and authorisations, catch recording and reporting, transshipment control, inspections and port state control and associated measures, to ensure compliance, including enforcement action and sanctions in accordance with domestic regulations, with the aim of conserving fish stocks, preventing overfishing and promoting sustainable fisheries.

3. The Parties, in accordance with their obligations under existing national laws and sub-regional, regional and international instruments, agree not to grant entry to, deny service to, or to expel from their ports, vessels of Parties found to have engaged in IUU fishing in other jurisdictions and on the high seas, or that have a history of IUU fishing.

4. The Parties shall endeavour to ratify relevant international agreements in relation to IUU fishing, notably the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done at Rome, 22 November 2009, and shall promote complementarity and consistency between international and regional measures and strategies to combat IUU fishing.

ARTICLE 34

Harmful fisheries subsidies

The Parties agree to take necessary steps to prohibit certain forms of fisheries subsidies which contribute to overcapacity and overfishing, and to eliminate subsidies that contribute to IUU fishing and refrain from introducing such new subsidies, recognising that appropriate, effective, special and differential treatment for developing and least developed Pacific States should be an integral part of the WTO fisheries subsidies negotiation.

TITLE IV

SECURITY, HUMAN RIGHTS, DEMOCRACY AND GOVERNANCE

ARTICLE 35

The Parties shall cooperate towards achieving peaceful and resilient societies, protect, promote and fulfil human rights, and shall strengthen democratic principles and good governance. They shall support accountable and transparent institutions at all levels and shall take concrete steps on tax good governance and on the fight against corruption, fraud and money laundering. They shall address new or expanding threats to security, including terrorism, threats to cybersecurity and all forms of transnational organised crime, particularly in relation to maritime security, cybercrime, human security and environmental security, while safeguarding human rights, including through regional cooperation, taking into consideration their relevant policy frameworks, including the principles set out in the Boe Declaration on Regional Security and relevant EU common foreign and security policy strategies. They shall endeavour to facilitate, whenever appropriate in line with existing international obligations, the work of human rights mechanisms, including that of the office of the UN High Commissioner for Human Rights, on relevant matters.

CHAPTER 1

SECURITY

ARTICLE 36

Peace and security

1. The Parties shall cooperate to ensure peace, security and justice through the protection, promotion and fulfilment of human rights, good governance, strengthened human security, environmental security, and conflict prevention and peace building.
2. The Parties shall address all forms of identity-based violence, including sexual, gender-based, inter-communal, ethnic and religious violence. They shall support reconciliation processes through transitional justice mechanisms, including traditional or customary practices, where and when they are not incompatible with internationally recognised human rights. They shall provide support to all victims of violence.
3. The Parties shall cooperate to enhance maritime security, in accordance with UNCLOS and taking into consideration relevant regional frameworks, by sharing information, responding to threats to ships and maritime installations and assets, and enforcing relevant laws and regulations. They shall cooperate, including through the use of space technologies, to address security issues that arise from transnational crime such as drug trafficking, piracy and armed robbery at sea, forced labour, trafficking in persons and the smuggling of migrants.

4. The Parties shall endeavour to develop new initiatives to prevent and combat terrorism in all its forms, in full respect of the rule of law and international law, addressing factors that may create an environment conducive to violent extremism and radicalisation. They shall develop new or strengthen existing legislation and strategies, and cooperate to combat and counter terrorism, terrorist financing and associated threats as appropriate, in full conformity with international law, where applicable. They shall cooperate towards the implementation of all relevant resolutions of the UN Security Council (UNSCRs), including UNSCRs 2396 (2017) and 2462 (2019), and of the General Assembly. They shall refrain from providing any form of support to state and non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical, biological or any other weapons and their means of delivery for terrorist purposes. They shall enhance cooperation to enable individuals and communities to prevent, and increase resilience to, acts of terrorism, violent extremism and radicalisation.

5. The Parties reaffirm that climate change is an existential threat to the livelihoods, security and well-being of peoples and communities, and commit to making progress on the implementation of the Paris Agreement. They shall promote the global recognition of climate change as a security risk and shall work together to prevent climate change impacts from continuing to act as a threat multiplier, such as threats from rising sea levels and extreme weather events, with serious implications for peace and security. They shall recognise and act on the threat of climate change to peace and security by strengthening adaptation and resilience measures as well as early warning systems.

6. The Parties shall strengthen cooperation to promote cybersecurity and to prevent and combat cybercrime and cyber-enabled crime, including the cyber-enabled theft of intellectual property. They shall cooperate to share best practices for protecting more effectively national and regional critical infrastructures from cyber-attacks. They shall promote multi-stakeholder internet governance and address issues relating to the online distribution of illicit or harmful materials. They shall exchange information on the education and training of cybersecurity technical experts and cybercrime investigators, the investigation of cybercrime and digital forensic science. They shall strengthen international cooperation to promote security and stability in cyberspace. They shall recognise that cybercrime is a global problem and acknowledge the need to build on existing international norms and standards, including those of the Budapest Convention on Cybercrime.

ARTICLE 37

Organised crime

1. The Parties shall strengthen and implement legislation and strategies to combat transnational organised crime, including, but not limited to, trafficking in persons, illicit drugs, small arms and light weapons, illegal logging and associated trade, illegal trade of endangered species including endangered marine species, wild animals and plants, as well as derived products, and other illegal economic and financial activities.

2. The Parties shall cooperate with a view to maintaining coordinated efforts to prevent and combat the use of their financial systems to finance criminal activities. They shall exchange information and enforce appropriate measures to fight against money laundering, terrorism financing and illicit financial flows, in line with relevant international standards and frameworks, notably the Financial Action Task Force recommendations.

3. The Parties shall strengthen dialogue and cooperation in the area of law enforcement, with the aim of combating the activities of transnational organised criminal and terrorist networks. They shall improve coordination between national and regional security mechanisms through open dialogue and the exchange of strategic information in support of early warning and cooperation with relevant international organisations, partners and stakeholders.

CHAPTER 2

HUMAN RIGHTS, DEMOCRACY AND GOVERNANCE

ARTICLE 38

Human rights

1. The Parties recognise that human rights are universal, indivisible, interdependent and interrelated and agree to respect, protect, fulfil and promote all human rights, be they civil, political, economic, social or cultural. They shall take necessary steps in accordance with relevant international treaties to ensure the full and equal enjoyment of all human rights and fundamental freedoms, including freedom of opinion and expression, freedom of assembly and association, and freedom of thought, religion and belief. They shall address and fight all forms of racism, discrimination, gender-based discrimination, including their manifestation through gender-based violence, trafficking in persons, with women and girls being especially targeted for sexual exploitation, hate speech and hate crimes, xenophobia and related intolerance.
2. The Parties shall intensify efforts to achieve gender equality and the full enjoyment of all human rights by women and girls and their empowerment. They shall promote, protect and fulfil the rights of the child.

3. The Parties shall promote the rights of persons belonging to minorities and advance the rights of indigenous peoples, as set out in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

4. The Parties shall support measures to enhance a rights-based approach to development, encompassing all human rights, and take the necessary steps to ensure, *inter alia*, equality and non-discrimination for all in the enjoyment of human rights, including access to and control over the resources and services essential for the right to an adequate standard of living. These include, but are not limited to, the rights to education, health, including sexual and reproductive health, food, drinking water and sanitation, adequate housing, work and justice. The steps to be taken for the realisation of these rights shall include accessible services addressing the causes and adverse impacts of climate change and the promotion of fair and equitable distribution of resources.

5. The Parties shall cooperate towards the realisation of human rights in the Pacific region, including through the establishment and strengthening of independent national and regional human rights mechanisms and institutions, and through the strengthening of an enabling and safe environment for the active engagement of civil society, human rights defenders, and other relevant stakeholders, including through their capacity building and access to regional and international human rights mechanisms.

ARTICLE 39

Democracy and governance

1. The Parties shall uphold democratic processes and institutions in accordance with internationally recognised principles and national legal frameworks, including accountable governments elected through peaceful, inclusive, transparent and credible elections, the acceptance of election results and the ensuing government transition and individuals' right to participate in the public affairs of the society they live in.
2. The Parties shall enhance the role of parliaments, promote media independence and pluralism, and preserve and broaden an enabling space for civil society, with a view to improving democratic accountability. They shall strengthen national, regional and decentralised capacities to ensure respect for democratic principles and practices.
3. The Parties shall promote the principles of good governance. They shall take concrete measures to build inclusive, accountable and transparent public institutions. They shall support capacities for policy design and implementation, develop an accountable, efficient, transparent and professional civil service, and strengthen the delivery of quality public services.
4. The Parties shall accelerate the deployment of e-governance services and digital services infrastructure as a means of enhancing access to and the availability of public services, improving democratic practices and governance, and promoting, protecting and fulfilling human rights and fundamental freedoms.

5. The Parties shall establish or strengthen mechanisms and institutions to combat corruption, bribery, fraud and corporate financial crimes, including by implementing and promoting relevant international standards and instruments, notably the UN Convention against Corruption, done at New York on 31 October 2003. They shall promote transparent management of public resources and accountability, encourage actions that support the values of a culture of transparency, legality and behaviour change in order to ensure the eradication of corruption, and further develop legislation to facilitate the recovery and return of assets.

6. The Parties shall strengthen governance systems to stem irregular migration and to combat smuggling of migrants and related criminal networks, as well as trafficking in persons, with a specific focus on victim protection.

ARTICLE 40

Rule of law and justice

1. The Parties shall promote respect for the law and cooperate to consolidate the rule of law. They shall aim to ensure an independent, impartial and effective judiciary and to strengthen institutions in the administration of justice. They shall take the necessary steps to provide access for all to justice under due process.

2. The Parties shall oppose and condemn all forms of torture and other cruel, inhuman or degrading treatment by state and non-state actors in all contexts, including by supporting the ratification and effective implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on 10 December 1984, and its Optional Protocol.

3. The Parties shall promote justice reforms to ensure efficient court systems and procedures, and modern penitentiary systems. They shall cooperate to enhance the capacities of key actors in the judiciary and legislative bodies.

ARTICLE 41

Financial governance

1. The Parties shall promote sound public financial management, including effective mobilisation and use of public revenues, sustainable public debt management, sustainable, transparent, competitive and predictable public procurement systems, and support for national oversight bodies.

2. The Parties shall enact legislation, take concrete measures and strengthen relevant institutions and mechanisms to implement the principles of good governance in the tax area.

3. The Parties shall cooperate to combat tax evasion, tax avoidance and illicit financial flows, and ensure the efficiency, effectiveness, transparency and fairness of tax systems.

TITLE V

HUMAN AND SOCIAL DEVELOPMENT

ARTICLE 42

The Parties are determined to eradicate poverty in all its forms by 2030, foster human and social development through inclusive and equitable access to social services and enhanced food security, effectively tackle inequality, promote gender equality and women and youth empowerment, ensure that everyone has the necessary means to enjoy life in dignity, and create the conditions for people to participate effectively in democratic life and contribute actively to sustainable economic growth. They shall take concrete measures to promote social cohesion and social protection as a fundamental investment for poverty eradication and fighting inequality, and as an important means of reinvesting economic gains more broadly in society and people. They shall promote culture and sport as drivers for sustainable human and social development and inclusive economic growth, as well as for social inclusion and peaceful societies.

CHAPTER 1

SOCIAL SERVICES

ARTICLE 43

Education

1. The Parties shall support inclusive and equitable access to quality education at primary, secondary and tertiary levels, early childhood care and technical and vocational education and training, taking into consideration their relevant policy frameworks, including the Pacific Regional Education Framework. They shall promote the development of digital literacy and skills. They shall pay special attention to women and girls, and marginalised and vulnerable groups, including people with disabilities.
2. The Parties shall take measures to improve the quality of formal and non-formal learning and to support the development of skills through technical and vocational education and training, with a view to increasing the number of highly educated and skilled workers matching labour market needs and opportunities.
3. The Parties shall promote initiatives that encourage and enable the development and wider use of science, technology, engineering and mathematics.

4. The Parties shall endeavour to improve infrastructure and equipment of education centres. They shall improve the quality of education through evidence-based policies, curriculum development and enhanced quality of teacher training and professional development.

ARTICLE 44

Health

1. The Parties shall aim to achieve universal health coverage and equitable access to healthcare services, including through strengthened national health systems, modernised facilities and equipment, and quality and affordable essential medicines and vaccines.

2. The Parties shall take measures towards strengthening the prevention and control of non-communicable diseases, with a view to reducing their incidence, including by increasing investment for health promotion, and primary and secondary prevention strategies. They shall take into consideration their relevant policy frameworks that promote the prevention and control of non-communicable diseases. They shall address the challenges associated with mental health through the development of healthcare and community-based services, including those addressing psychosocial disorders.

3. The Parties shall strengthen national and regional surveillance and monitoring systems to detect and respond rapidly and effectively to communicable diseases and other health emergencies of national, regional and international concern, including infections with pandemic potential such as influenza. They shall cooperate to implement a "one health" approach to address antimicrobial resistance and its consequences for both human and animal health.

ARTICLE 45

Water and sanitation

1. The Parties shall strengthen efforts to foster access to sufficient, safe and affordable water for personal and domestic use, paying special attention to people in vulnerable situations. They shall promote action to strengthen water security against the impacts of population growth, climate variability and climate change, including through improved water-use efficiency, drinking-water safety, sustainable use of water resources, and the development of national water catchment and storage systems.

2. The Parties shall boost physical and affordable access to sanitation for all, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity. They shall support and strengthen local communities' participation in establishing, managing and maintaining facilities and hygiene practices in households, schools and healthcare facilities, particularly in areas facing difficult challenges, such as rural and remote areas, small islands and informal urban settlements.

3. The Parties acknowledge the importance of shared knowledge and technology, including the capacity building required to plan, deliver and maintain quality water and sanitation systems and infrastructure.

ARTICLE 46

Housing

1. The Parties shall strengthen efforts to secure equitable access to adequate, safe and affordable housing for all, including those in vulnerable situations. They shall address the issue of inequalities between urban households and rural areas, and between remote and main islands. They shall promote the sharing of best practices, including on building codes, with a view to enhancing environmental resilience and achieving climate-smart housing.

2. The Parties shall work towards achieving universal access to sustainable energy services for all, improving access to electricity and supporting efficiency in households' energy usage.

ARTICLE 47

Food security and improved nutrition

1. The Parties shall aim to ensure that all have access to sufficient, affordable, safe and nutritious food, including by promoting local nutritious food and investing in sustainable food systems, including climate-resilient transportation and storage. They shall pay particular attention to ensuring the availability of adequate sources of emergency food during disaster recovery.
2. The Parties shall cooperate to end all forms of malnutrition and address the underlying causes of food and nutrition insecurity.
3. The Parties shall support agricultural diversification and local food production for both subsistence and commercial purposes. They shall aim to strengthen resilient and diversified farming systems and resource-efficient agriculture by using resilient and high-yield nutritional crop varieties. They shall address overexploitation of fisheries resources, considering that fish is a critical source for food and nutrition security.
4. The Parties shall promote healthy diets, reducing reliance on imported food with low nutritional value, strengthening nutrition-labelling regulation, fostering education and public awareness programmes on nutrition and healthy diet practices, and promoting the production and consumption of local healthy food.

CHAPTER 2

INEQUALITY, SOCIAL COHESION AND SOCIAL PROTECTION

ARTICLE 48

Social protection

1. The Parties shall promote the creation of inclusive and well-functioning labour markets and employment policies geared to ensuring decent work for all, including enhancing health and safety conditions for workers. They shall address issues related to the informal economy, including access to credit and micro-finance, and strengthened social protection measures, with a view to facilitating a smoother transition to the formal economy. They shall combat all forms of exploitation for profit, including sexual and work exploitation, in both formal and informal economies.
2. The Parties shall work towards extending social protection coverage, especially for people in a situation of vulnerability and marginalised groups as well as those who are formally and informally employed, with the aim of progressively reaching universality, through basic income security and adequate and shock-responsive social protection systems.

ARTICLE 49

Gender equality and empowerment of women and girls

1. The Parties shall strengthen policies, programmes and mechanisms aimed at ensuring, improving and expanding equal participation and opportunities for men and women in all spheres of political, economic, social and cultural life. They shall encourage the ratification and support the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women, done at New York on 18 December 1979, and its Optional Protocol. They shall ensure that the gender perspective is systematically mainstreamed across all policies. They shall take into consideration their relevant policy frameworks, including the Pacific regional architecture for gender equality.

2. The Parties shall support women's economic empowerment, identify economic opportunities for women and ensure that their economic and social rights are respected and promoted. They shall facilitate women's access to financial services and employment, and control over and use of land and other productive assets. They shall take measures to support women entrepreneurs, cut the gender pay gap and remove other discriminatory regulations and practices. They shall work towards building women's resilience to climate change impacts and shall sustain their livelihoods in agriculture, fisheries and aquaculture, and cultural industries. They shall strengthen the collection, compilation, analysis and dissemination of accessible statistical data on women's economic empowerment.

3. The Parties undertake to adopt the necessary legislation and policy measures to end child, early and forced marriage, and to eliminate all forms of sexual and gender-based violence, particularly domestic violence, all forms of sexual and work exploitation and all forms of harassment in the public and private spheres, including through awareness-raising initiatives for behavioural change.

4. The Parties shall take measures to enhance women's and girls' participation and voice in public and political life, including in electoral, policy, governance and development processes, local government, traditional and customary mechanisms, leadership, constitutional bodies, state-owned enterprises, peace building and reconciliation.

5. The Parties shall strengthen national and regional institutions to address and handle issues related to all forms of violence against women and girls, including prevention of and protection against all forms of sexual and gender-based violence, harassment investigation and accountability mechanisms, and care and support for victims. They shall endeavour to align national legislation and regulations, and regional frameworks with the relevant international conventions and regional frameworks.

6. The Parties shall commit to the full and effective implementation of the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences. They shall enact policies and design programmes that aim at achieving universal access to affordable, comprehensive and integrated quality sexual and reproductive health services with adequate counselling, information and sexual education programmes, taking into consideration the UNESCO international technical guidance on sexuality education, as appropriate, as well as the delivery of sexual and reproductive health-care services. The Parties shall support the effective implementation of the Asian and Pacific Ministerial Declaration on Population and Development, as appropriate.

ARTICLE 50

Youth

1. The Parties shall establish governance structures to benefit from the youth dividend and to empower young people and increase their influence in decision-making processes and their active participation in political life and in peacebuilding and reconciliation efforts. They shall promote increased participation of young people in environmental action, particularly climate change monitoring and adaptation programmes.

2. The Parties shall support youth entrepreneurship and decent employment for young people, paying particular attention to those in education, employment or training, to help them acquire labour market-relevant skills for employment.

3. The Parties shall foster social and justice programmes for the prevention of juvenile delinquency and integration into economic and social life. They shall support institutions, such as schools, faith-based organisations and youth groups, which may contribute to building resilience in vulnerable communities and with youth at risk.

4. The Parties shall take measures to improve and strengthen child protection systems and safeguards. They shall support measures to end child labour and abuse, early and forced marriage, and corporal punishment.

ARTICLE 51

Persons with disabilities

1. The Parties shall promote, protect and fulfil the rights of persons with disabilities without discrimination of any kind. They shall take concrete measures to ensure their full inclusion in society through equal access to social services, including education and health and effective participation in labour markets and other economic opportunities.

2. The Parties shall encourage the ratification, and support the effective implementation of, the UN Convention on the Rights of Persons with Disabilities, taking into consideration their relevant policy frameworks.

ARTICLE 52

Culture, sport, and people-to-people contacts

1. The Parties shall promote the protection and enhancement of tangible and intangible cultural heritage, and the diversity of cultural expression, with a view to enhancing mutual understanding and fostering balanced cultural exchanges. They shall cooperate and promote investment to support the preservation and promotion of traditional arts and culture, indigenous knowledge and cultural diversity.

2. The Parties shall promote creative and cultural industries and cultural tourism as drivers for jobs and sustainable growth. They shall endeavour to promote the mobility of culture and creative professionals and the circulation of works of art, and carry out joint initiatives in various cultural and creative spheres. They shall encourage the economic empowerment of women and youth through culture value chains, by strengthening public-private partnerships for cultural production and mainstreaming culture, taking into consideration their relevant policy frameworks, including the Pacific Regional Cultural Strategy.

3. The Parties shall promote creativity and innovation, knowledge-sharing, international and regional co-creation, and market access opportunities for cultural goods and services. They shall develop sector-specific regulatory frameworks and institutional support that, *inter alia*, protect intellectual property rights for creative works.

4. The Parties shall promote exchanges in the cultural sector, including among institutions such as museums and conservatories, and shall encourage intercultural dialogue between people as well as relevant stakeholders. They shall support the mobility of young people and youth workers as a means of promoting intercultural dialogue and the acquisition of knowledge, skills and competences outside formal educational systems. They shall endeavour to implement relevant initiatives in the field of higher education mobility, with a view to promoting cooperation and modernisation in higher education and encouraging learner and academic mobility.

5. The Parties shall promote sport as a driver for sustainable development, inclusive economic growth, social inclusion, non-discrimination and the advancement of human rights. They shall endeavour to build capacities, develop adequate facilities and encourage people's increased participation in sporting and other physical education activities, with particular emphasis on youth and women. They shall support sport as a means for intercultural dialogue and cooperation between nations, the prevention of conflict and violence, and post-conflict reconciliation.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorised to this effect, have signed this Agreement.

Done at ..., this... day of ... in the year

For the Kingdom of Belgium,

For the Republic of Bulgaria,

For the Czech Republic,

For the Kingdom of Denmark,

For the Federal Republic of Germany,

For the Republic of Estonia,

For Ireland,

For the Hellenic Republic,

For the Kingdom of Spain,

For the French Republic,

For the Republic of Croatia,

For the Italian Republic,

For the Republic of Cyprus,

For the Republic of Latvia

For the Republic of Lithuania,

For the Grand Duchy of Luxembourg,

For Hungary,

For the Republic of Malta,

For the Kingdom of the Netherlands,

For the Republic of Austria,

For the Republic of Poland,

For the Portuguese Republic,

For Romania,

For the Republic of Slovenia,

For the Slovak Republic,

For the Republic of Finland,

For the Kingdom of Sweden,

For the European Union,

For the Republic of Angola,

For Antigua and Barbuda,

For the Commonwealth of the Bahamas,

For Barbados,

For Belize,

For the Republic of Benin,

For the Republic of Botswana,

For Burkina Faso

For the Republic of Burundi,

For the Republic of Cabo Verde,

For the Republic of Cameroon,

For the Central African Republic,

For the Republic of Chad

For the Union of the Comoros,

For the Republic of the Congo,

For the Cook Islands,

For the Republic of Côte d'Ivoire,

For the Republic of Cuba,

For the Democratic Republic of the Congo,

For the Republic of Djibouti,

For the Commonwealth of Dominica,

For the Dominican Republic,

For the Republic of Equatorial Guinea,

For the State of Eritrea,

For the Kingdom of Eswatini,

For the Federal Democratic Republic of Ethiopia,

For the Republic of Fiji,

For the Gabonese Republic,

For the Republic of The Gambia,

For the Republic of Ghana,

For Grenada,

For the Republic of Guinea,

For the Republic of Guinea-Bissau,

For the Cooperative Republic of Guyana,

For the Republic of Haiti,

For Jamaica,

For the Republic of Kenya,

For the Republic of Kiribati,

For the Kingdom of Lesotho,

For the Republic of Liberia,

For the Republic of Madagascar,

For the Republic of Malawi,

For the Republic of Maldives,

For the Republic of Mali,

For the Republic of the Marshall Islands,

For the Islamic Republic of Mauritania,

For the Republic of Mauritius,

For the Federated States of Micronesia,

For the Republic of Mozambique,

For the Republic of Namibia,

For the Republic of Nauru,

For the Republic of Niger,

For the Federal Republic of Nigeria,

For Niue,

For the Republic of Palau,

For the Independent State of Papua New Guinea,

For the Republic of Rwanda,

For the Federation of Saint Kitts and Nevis,

For Saint Lucia,

For Saint Vincent and the Grenadines,

For the Independent State of Samoa,

For the Democratic Republic of São Tomé and Príncipe,

For the Republic of Senegal,

For the Republic of Seychelles,

For the Republic of Sierra Leone,

For Solomon Islands,

For the Federal Republic of Somalia,

For the Republic of the Sudan,

For the Republic of Suriname,

For the United Republic of Tanzania,

For the Democratic Republic of Timor-Leste,

For the Togolese Republic,

For the Kingdom of Tonga,

For the Republic of Trinidad and Tobago,

For Tuvalu,

For the Republic of Uganda,

For the Republic of Vanuatu,

For the Republic of Zambia,

For the Republic of Zimbabwe

RETURN AND READMISSION PROCESSES

1. Definitions

For the purposes of this Annex, the following definitions apply:

- (1) "requesting State" means the State (one of the OACPS Members or one of the Member States of the European Union) submitting a readmission request pursuant to Article 74(3) of the General Part of this Agreement;
- (2) "requested State" means the State (one of the OACPS Members or one of the Member States of the European Union) to which a readmission request pursuant to Article 74(3) of the General Part of this Agreement is submitted.

2. Return and readmission of persons without a valid travel document

Return and readmission processes shall be carried out as follows:

If the person subject to the readmission request is in possession of an expired passport, a valid or an expired identity card or another official identity document with a photograph, or if the person's identity has been confirmed by all appropriate means, including as a result of a search carried out in the visa application records or any other official records of the requesting State, the requested State shall, on receipt of the relevant information, provide valid travel documents as soon as possible after the request of the requesting State, unless justifiable reason is provided for additional time, in which case the requested State shall provide the travel documents in the shortest possible time; or

In other cases, if the nationality of the person subject to the readmission request needs to be verified, the requested State shall proceed with the necessary verification immediately following the receipt of the request from the requesting State by using the most appropriate and most efficient identification procedures, including an identification interview upon request of the requesting State. The requesting and the requested States shall consult biometric registries, where available.

In any event, when it receives a readmission request for one of its nationals, the requested State shall respond at the latest within 30 days of that request, in line with the time limits provided for in Standard 5.26 of Chapter 5 of Annex 9 to the Convention on International Civil Aviation, done at Chicago on 7 December 1944, by providing its nationals with appropriate travel documents for return purposes or by satisfying the requesting State that the person concerned is not one of its nationals.

3. Means of transport for return

Return shall take place, with prior notification to the requested State, by any means of transport in line with the obligations set out in Article 74 of the General Part of this Agreement. Return by air shall not be restricted to the use of scheduled flights.

4. Return of unaccompanied minors

In order to ensure the best interest of the child, an unaccompanied minor can only be returned to a member of his or her family, a nominated guardian, other authorities provided for in the national laws, or adequate reception facilities of the requested State.

5. Bilateral agreements and arrangements

At the request of a Party, the Parties shall, without prejudice to the direct applicability of Chapter 4 of Title VI of the General Part of this Agreement and this Annex, conclude bilateral agreements or arrangements governing specific obligations for the return and readmission of nationals of the Member State of the European Union and of the OACPS Member concerned. Those agreements or arrangements shall include shorter time frames for the identification and issuance of travel documents to further facilitate the implementation of this Annex. Such bilateral agreements or arrangements shall cover, if deemed necessary by any of the parties to that agreement or arrangement, arrangements for the return and readmission of persons other than nationals of the parties, including stateless persons, who have their habitual residence in the territory of the requested State.

The obligations set out in those bilateral agreements or arrangements shall be compatible with the provisions set out in this Annex.

OPERATIONS OF THE EUROPEAN INVESTMENT BANK

ARTICLE 1

Legal personality and status

1. The European Investment Bank (the "EIB") and any subsidiary of the EIB shall have legal personality in the territory of the OACPS Members, including in particular the capacity to contract, to acquire and dispose of movable and immovable property and to be party to legal proceedings.
2. The EIB and any subsidiary of the EIB shall enjoy in the territory of each OACPS Member the same treatment in respect of tax and customs arrangements and status accorded to the international institution operating in that OACPS Member that is most favoured in respect of such arrangements and status.

ARTICLE 2

Banking and finance regulation

The EIB and any subsidiary of the EIB may pursue as an international organisation within the territory of the OACPS Members for the purposes contemplated by this Agreement the activities envisaged by the statute of the EIB or of such subsidiary, as it may be amended, including, but not limited to, financing by means of loans, bonds, guarantees, equity, quasi-equity or any other financing instruments, providing or financing technical assistance, investing on money markets, buying and selling securities and carrying out any other financial operation linked to any such activity, and the operation of bank accounts in any currency.

ARTICLE 3

Foreign exchange

1. For all operations carried out by the EIB, or any of its subsidiaries, financed by the EU to support the achievement of the objectives of this Agreement, the OACPS Members shall ensure that:
 - (a) beneficiaries and counterparties may convert into any fully convertible currency, at the then current exchange rate, the amounts in the national currency of the OACPS Member concerned that are necessary for the timely payment of all sums due to the EIB or to any subsidiary of the EIB in respect of such operations; and

- (b) the amounts referred to in point (a) are freely, immediately and effectively transferable inside or outside the territory of the OACPS Member concerned so as to enable the beneficiary or counterparty referred to in point (a) to meet its obligations to the EIB or to such subsidiary.

- 2. For all operations carried out by the EIB, or any of its subsidiaries, financed by the EU to support the achievement of the objectives of this Agreement, the OACPS Members shall ensure that the EIB or such subsidiary may:
 - (a) convert into any fully convertible currency, at the then current exchange rate, the amounts in the national currency of the OACPS Member concerned that are received by the EIB or by such subsidiary;
 - (b) freely, immediately and effectively transfer the amounts converted as referred to in point (a) outside the territory of the OACPS Member concerned to such bank accounts as the EIB or such subsidiary may freely determine, or dispose of such amounts within the territory of the OACPS Member concerned; and
 - (c) convert into the national currency of the OACPS Member concerned, at the then current exchange rate, any amounts in any fully convertible currency.

ARTICLE 4

Recognition of court decisions

Each OACPS Member undertakes, in respect of any dispute arising between the EIB or any subsidiary of the EIB and a beneficiary or any third party regarding the activities of the EIB or any subsidiary of the EIB to achieve the objectives of this Agreement to:

- (a) ensure that the courts of the OACPS Member have the authority to recognise a final decision delivered by due process by a court or tribunal of a competent jurisdiction, including the Court of Justice of the European Union or any national court of a Member State of the European Union, or any arbitration tribunal to the extent permissible by the constitution of that OACPS Member; and
- (b) ensure the execution of any such decision in accordance with its applicable national rules and procedures.