

## DECLARATIONS

### JOINT DECLARATION OF COSTA RICA AND THE EUROPEAN UNION TO CHAPTER 1 OF TITLE II (TRADE IN GOODS) OF THIS AGREEMENT

Costa Rica shall review that the internal taxes charged on the beverages listed below are applied pursuant to the provisions of Chapter 1 of Title II (Trade in Goods), such that:

- (a) For carbonated beverages classified under tariff heading 2202 and alcoholic beverages classified under tariff heading 2203, such revision shall be completed no later than one year after entry into force.
- (b) For alcoholic beverages classified under tariff headings 2204 to 2208, such review shall be completed no later than four years after entry into force.

JOINT DECLARATION  
ON ARTICLE 88 OF CHAPTER 1 OF TITLE II (TRADE IN GOODS)

Costa Rica and Guatemala may continue to apply the measures listed below after the date of entry into force of this Agreement. The necessity of maintaining these measures will be examined by the Parties, at the latest, ten years after the date of entry into force of this Agreement.

Guatemala

- (a) Ley del Café, Decreto No.19-69 del Congreso de la República de Guatemala, Decreto No. 114-63 del Jefe de Estado y Decreto Ley No.111-85 del Jefe de Estado.

## Costa Rica

- (a) Law No. 5515 of 19 April 1974 as amended by Law No. 5538 of 18 June 1974;  
Law No. 4895 of 16 November 1971 as amended by Law No. 7147 of 30 April 1990 and Law  
No. 7277 of 17 December 1991;
- (b) Law No. 2762 of 21 June 1961 as amended by Law No. 7551 of 22 September 1995; and
- (c) Law No. 6247 of 2 May 1978 and Law No. 7837 of 5 October 1998.

JOINT DECLARATION  
CONCERNING THE PRINCIPALITY OF ANDORRA

1. Products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonized System shall be accepted by the Republics of the CA Party as originating in the European Union within the meaning of this Agreement.
  
2. Annex II (Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Co-operation) shall apply *mutatis mutandis* for the purpose of defining the originating status of the above mentioned products.

JOINT DECLARATION  
CONCERNING THE REPUBLIC OF SAN MARINO

1. Products originating in the Republic of San Marino shall be accepted by the Republics of the CA Party as originating in the European Union within the meaning of this Agreement.
  
2. Annex II (Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Co-operation) shall apply *mutatis mutandis* for the purpose of defining the originating status of the above mentioned products.

JOINT DECLARATION  
CONCERNING DEROGATIONS

1. The Parties recognise the important role of a stable growth and progress of the economies of the Republics of the CA Party in encouraging the smooth development of trade relations between the Parties.
2. For that purpose, the Sub-Committee on Customs, Trade Facilitation and Rules of Origin, established in accordance with Article 123 of Chapter 3 (Customs and Trade Facilitation) of Title II of Part IV of this Agreement (hereinafter referred to as the "Sub-Committee"), shall discuss and consider derogation requests from Annex II where the development of existing industries or the creation of new industries in the Republics of the CA Party justify the adoption of such derogations. The derogations subsequently may be adopted by the Association Council.
3. The Republics of the CA Party shall, either before or when the request for derogation is submitted to the Sub-Committee, notify the EU Party of its request for a derogation together with the reasons for the request in accordance with paragraph 5.

4. Within the Association Council, the EU Party shall respond positively to the requests of the Republics of the CA Party, if admissible and duly justified in conformity with this Declaration and if they cannot cause serious injury to an established European Union's industry.
  
5. In order to facilitate the examination by the Sub-Committee of requests for derogation, one or more Republics of the CA Party shall furnish in support of their request the fullest possible information covering in particular the following:
  - (a) description of the finished product;
  
  - (b) nature and quantity of materials originating in third countries;
  
  - (c) manufacturing processes;
  
  - (d) added value achieved;
  
  - (e) number of employees in the enterprise concerned;

- (f) anticipated volume of exports to the European Union;
  - (g) other possible sources of supply for raw materials;
  - (h) other observations.
6. The examination of requests for derogation shall in particular take into account:
- (a) cases where the application of the existing rules of origin would significantly affect the ability of an existing industry in one or more Republics of the CA Party making the request to continue their exports to the European Union, with particular reference to cases where this could lead to cessation of its activities;
  - (b) specific cases where it can be clearly demonstrated that significant investment in an industry could be deterred by the rules of origin and where a derogation favouring the realisation of the investment program would enable these rules to be satisfied by stages.



7. In every case an examination shall be made to ascertain whether the rules relating to cumulation of origin do not provide a solution to the problem.
  
8. The Sub-Committee shall take steps necessary to ensure that a decision on a request for derogation is reached as soon as possible. The derogation may be granted for the period of twelve months. The Sub-Committee may review the necessity to extend the period of validation of the derogation by another twelve months upon the request of the Republics of the CA Party, if the economic conditions which formed the basis for establishing the derogation continue, taking into account other conditions referred to in paragraphs 1 to 7. The extension of the derogation shall be decided by the Association Council.

JOINT DECLARATION  
REGARDING THE REVISION OF THE RULES  
OF ORIGIN CONTAINED IN ANNEX II  
(concerning the definition of the concept of "originating products"  
and methods of administrative co-operation)

1. The Parties agree to review the provisions contained in Annex II (Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Co-operation) and discuss the necessary amendments upon request of either Party. In such discussions, the Parties shall take into account the development of technologies, production processes and all other factors, which might justify the changes to the rules. Any changes to that Annex shall be made on the basis of a mutual agreement.
  
2. Appendix 2 and 2A to Annex II will be adapted in accordance with the periodical changes to the Harmonized System.

JOINT DECLARATION  
CONCERNING THE REVISION OF THE RULES  
OF ORIGIN APPLICABLE TO PRODUCTS OF CHAPTERS 61 AND 62  
OF THE HARMONIZED SYSTEM

If the rules of origin applied by the European Union for products of Chapters 61 and 62 of the Harmonized System, in the framework of the Generalised System of Preferences for non least-developed countries (LDCs), are more relaxed than the ones contained in this Agreement, after consultations in the Association Committee at the request of one or more Republics of the CA Party, the Association Council shall modify Appendix 2 of Annex II (Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Co-operation) in order to apply the same level of relaxation.

JOINT DECLARATION  
CONCERNING TEMPORAL USE OF ADDITIONAL  
NON-ORIGINATING MATERIALS FOR PRODUCTS  
OF CHAPTERS 61 AND 62 OF THE HARMONIZED SYSTEM

At the initiative of one or more Republics of the CA Party and after consultations in the Association Committee, the Association Council may decide to temporarily permit the use of additional non-originating materials which shall be identified at 8 digit level for products in Chapters 61 and 62 of the Harmonized System, provided that there is no production of these materials in the Parties. Under these circumstances, these materials shall be considered as originating for the effects of the rules of origin of Appendix 2 of Annex II (Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Co-operation) applicable to products in Chapters 61 and 62 of the Harmonized System. After consultations in the Association Committee, the use of the above mentioned materials shall not be permitted when a Party demonstrates that there is production of these materials in the Parties.

DECLARATION OF THE EU PARTY  
ON DATA PROTECTION OF CERTAIN REGULATED PRODUCTS

In negotiations of Title VI (Intellectual Property) of Part IV of this Agreement, the Parties have agreed that undisclosed data concerning safety and efficacy that is submitted as a condition of approving the marketing of new pharmaceutical or agricultural chemical products will be protected not through a specific provision, but through the principles of national treatment and most favoured nation treatment enshrined in Article 230 of Title VI (Intellectual Property) of Part IV of this Agreement. It was further agreed that the bilateral dispute settlement mechanism enshrined in the Association Agreement shall apply to any dispute arising in this regard.

The EU Party, having examined the relevant legislation of each of the Republics of CA Party considers that this legislation, by providing protection periods of at least five years for pharmaceutical products and ten years for agricultural chemical products, affords a satisfactory level of protection that corresponds to the relevant international obligations entered to by the Republics of the CA Party including Article 39 of the WTO TRIPS Agreement, Article 15.10 of The Dominican Republic - Central America - United States Free Trade Agreement and for Panama Article 15.10 of the United States-Panama Trade Promotion Agreement.

JOINT DECLARATION  
NAMES THAT HAVE BEEN APPLIED FOR REGISTRATION  
AS GEOGRAPHICAL INDICATIONS IN A REPUBLIC OF A CA PARTY

The Parties acknowledge that applications for registration as geographical indications in the Party of origin have been lodged for the names listed herein. For the purpose of protection in the territory of the EU Party, the Party of origin shall notify the EU Party of the finalisation of the national applicable procedures for protection. Once these names have been successfully registered as geographical indications in the Party of origin, these names shall undergo the procedures and be protected as set out in Article 245 of Title VI (Intellectual Property) of Part IV of this Agreement, provided that the formal requirements for applications in the EU Party have been fulfilled no later than one year before entry into force.

List of names for which applications have been lodged:

	Country	Name	Product
1.	Costa Rica	Dota-Tarruzú Puro	Coffee
2.	Costa Rica	Los Santos	Coffee
3.	Costa Rica	Orosi	Coffee
4.	Costa Rica	Tres Ríos	Coffee
5.	Costa Rica	Turrialba	Coffee
6.	Costa Rica	Tarrazú	Coffee
7.	Costa Rica	West Valley	Coffee
8.	Costa Rica	Brunca	Coffee
9.	Costa Rica	Central Valley	Coffee
10.	Costa Rica	Café de Costa Rica	Coffee
11.	Costa Rica	Guanacaste	Coffee
12.	Costa Rica	Queso Turrialba	Cheese
13.	El Salvador	Café Tecapa – Chinameca	Coffee
14.	El Salvador	Café del la Cordillera del Bálsamo	Coffee
15.	El Salvador	Bálsamo de la Cordillera del Bálsamo	Balm
16.	El Salvador	Café de Alotepeque	Coffee
17.	El Salvador	Café del Volcán de San Salvador	Coffee

	Country	Name	Product
18.	El Salvador	Café de Cacahuatique	Coffee
19.	El Salvador	Café del Platanal	Coffee
20.	El Salvador	Queso Duro Blando	Cheese
21.	El Salvador	Queso Seco Añejo	Cheese
22.	El Salvador	Queso Morolique	Cheese
23.	El Salvador	Queso Capita	Cheese
24.	El Salvador	Quesillo de El Salvador	Cheese
25.	El Salvador	Queso Puebla	Cheese
26.	El Salvador	Queso Capa Roja	Cheese
27.	El Salvador	Queso de Terrón	Cheese
28.	Honduras	Café Copán Honduras	Coffee
29.	Honduras	Café Azul Meambar	Coffee
30.	Honduras	Café Montecillo	Coffee
31.	Honduras	Café Agalta Tropical	Coffee
32.	Honduras	Café Opalaca	Coffee
33.	Honduras	Café Paraíso	Coffee
34.	Honduras	Café Guisayote	Coffee
35.	Honduras	Café Erapuca	Coffee
36.	Honduras	Café Congolón	Coffee
37.	Honduras	Café Cangual	Coffee
38.	Honduras	Café Camapara	Coffee



	Country	Name	Product
39.	Nicaragua	Quesillo de Nagarote	Cheese
40.	Nicaragua	Quesillo de Chontales	Cheese
41.	Nicaragua	Cacao de Waslala	Cocoa
42.	Nicaragua	Cacao de Río Coco	Cocoa
43.	Nicaragua	Cacao de Nueva Guinea	Cocoa
44.	Nicaragua	Café de Kilambé	Coffee
45.	Nicaragua	Café de Dipilto	Coffee
46.	Nicaragua	Café Mozonte	Coffee
47.	Nicaragua	Café Wiwilí	Coffee
48.	Nicaragua	Miel del Sauce	Honey
49.	Nicaragua	Miel de Mateare	Honey
50.	Nicaragua	Miel de Belén	Honey
51.	Panama	Café de altura de Panamá	Coffee
52.	Panama	Café de bajura de Panamá	Coffee
53.	Panama	Coco de tres filos de Colón	Coconut
54.	Panama	Piña de La Chorrera	Pineapple

## JOINT DECLARATION ON EU PARTY'S CUSTOMS UNIONS

The EU Party recalls that States with which it has established a Customs Union at the time of signature of this Agreement and whose products do not benefit from the tariff concessions under this Agreement have the obligation, in relation to countries which are not members of the European Union, to align themselves on the Common Customs Tariff and, progressively, with the preferential customs regime of the European Union, taking the necessary measures and negotiating agreements on mutually advantageous basis with the countries concerned.

Consequently, the European Union has invited the Republics of the CA Party to enter into negotiations with these States as soon as possible.

The Republics of the CA Party inform that they shall make best efforts to negotiate with these States an agreement establishing a free trade area.

EL SALVADOR'S UNILATERAL DECLARATION  
ON ARTICLE 290 "TRADE IN FISH PRODUCTS" OF TITLE VIII  
(TRADE AND SUSTAINABLE DEVELOPMENT)  
OF PART IV OF THIS AGREEMENT

El Salvador subscribes to Article 290 of Title VIII (Trade and Sustainable Development) of Part IV of this Agreement, without prejudice to El Salvador's legal status in regards to the United Nations Convention on the Law of the Sea and Annexes.

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