

Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Arab Republic of Egypt

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ("the United Kingdom") and THE ARAB REPUBLIC OF EGYPT ("Egypt") (hereinafter referred to as "the Parties"),

RECOGNISING that the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, done at Luxembourg on 25 June 2001 ("the EU-Egypt Agreement") will cease to apply to the United Kingdom at the end of the transition period pursuant to Article 126 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, done at Brussels and London on 24 January 2020, during which the rights and obligations under the EU- Egypt Agreement continue to apply to the United Kingdom;

DESIRING that the rights and obligations between the Parties as provided for by the EU-Egypt Agreement should continue;

HAVE AGREED AS FOLLOWS:

Article 1. Objectives

1. The overriding objective of this Agreement is to preserve the links between the Parties established by the association created in Article 1 of the EU-Egypt Agreement.
2. In particular, the Parties agree to preserve the preferential conditions relating to trade between the Parties which resulted from the EU-Egypt Agreement and to provide a platform for further trade liberalisation between the Parties.
3. For the avoidance of doubt, it is confirmed that the Parties establish an association as well as a free trade area in goods and associated rules in accordance with this Agreement and affirm the aims in Article 1 of the EU-Egypt Agreement.

Article 2. Definitions and Interpretation

1. Throughout this Instrument:
 - (a) "Incorporated Agreement" means the provisions of the EU-Egypt Agreement as incorporated into this Agreement (and related expressions are to be read accordingly); and
 - (b) "mutatis mutandis" means with the technical changes necessary to apply the EU-Egypt Agreement as if it had been concluded between the United Kingdom and Egypt, taking into account the object and purpose of this Agreement.
2. Throughout the Incorporated Agreement and this Instrument, "this Agreement" means this Instrument and the Incorporated Agreement.
3. Throughout the Incorporated Agreement references to financial cooperation cover a range of forms of such cooperation and means by which it may occur, including cooperation through multilateral and regional organisations.

Article 3. Incorporation of the EU-Egypt Agreement

1. The provisions of the EU-Egypt Agreement in effect immediately before it ceases to apply to the United Kingdom are incorporated into this Agreement, mutatis mutandis, subject to the provisions of this Instrument.
2. The obligations in the Joint Declarations made by the parties to the EU-Egypt Agreement in relation to that Agreement shall apply with the same effect, mutatis mutandis, to the Parties to this Agreement, subject to any modifications provided for in Annex I to this Instrument.

Article 4. References to European Union Law

1. Except as otherwise provided, references in this Agreement to European Union law are to be read as references to that European Union law in force as incorporated or implemented in United Kingdom law as retained European Union law on the day after the United Kingdom ceases to be bound by the relevant European Union law.

2. In this Article "United Kingdom law" includes the law of the territories for whose international relations the United Kingdom is responsible and to whom this Agreement extends, as set out in Article 6.

Article 5. References to the Euro

Notwithstanding Article 3(1), references to the euro (including "EUR" and "€") in the Incorporated Agreement shall continue to be read as such in this Agreement.

Article 6. Territorial Application

1. For the avoidance of doubt in relation to incorporated Article 90, this Agreement shall apply, in respect of the United Kingdom, to the extent that and under the conditions which the EU-Egypt Agreement applied immediately before it ceased to apply to the United Kingdom, to the United Kingdom and the following territories for whose international relations it is responsible:

(a) Gibraltar; and

(b) the Channel Islands and the Isle of Man.

2. Notwithstanding paragraph 1 and Article 11 of this Instrument, this Agreement shall apply to those territories for whose international relations the United Kingdom is responsible from the date of written notification by the United Kingdom to Egypt of the application of this Agreement to those territories.

Article 7. Continuation of Time Periods

1. Unless this Instrument provides otherwise:

(a) if a period in the EU-Egypt Agreement has not yet ended, the remainder of that period shall be incorporated into this Agreement; and

(b) if a period in the EU-Egypt Agreement has ended, any ongoing right or obligation in the EU-Egypt Agreement shall apply between the Parties and that period shall not be incorporated into this Agreement.

2. Notwithstanding paragraph 1, a reference in the Incorporated Agreement to a period relating to a procedure or other administrative matter (such as a review, committee procedure or notification) shall not be affected.

Article 8. Further Provision In Relation to the Association Council and the Association Committee

1. The Association Committee which the Parties establish under incorporated Article 77 shall ensure that this Agreement operates properly.

2. Upon entry into force of this Agreement, any decisions adopted by the Association Council or the Association Committee established by the EU-Egypt Agreement before the EU-Egypt Agreement ceased to apply to the United Kingdom shall, to the extent those decisions relate to the Parties to this Agreement, be deemed to have been adopted, mutatis mutandis, and subject to the provisions of this Instrument, by the Association Council or the Association Committee established under incorporated Articles 74 and 77, respectively.

3. Nothing in paragraph 2 prevents the Association Council or the Association Committee making decisions which modify, are different to, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

Article 9. Integral Parts of this Agreement

The Annexes and Footnotes to this Instrument are integral to this Agreement.

Article 10. Amendments

1. The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force on the first day of the second month following the date of receipt of the later of the Parties' notifications that they have completed their internal procedures, or on such date as the Parties may agree.

2. Notwithstanding paragraph 1, the Association Council (or the Association Committee insofar as such powers are delegated to it by the Association Council) may decide that the Annexes, Appendices, Protocols, Joint Declarations and Footnotes to this Agreement should be amended. The Parties may adopt such a decision of the Association Council or the Association Committee subject to their internal procedures.

Article 11. Entry Into Force

1. Article 92 of the EU-Egypt Agreement shall not be incorporated into this Agreement.

2. Each of the Parties shall notify the other in writing, through diplomatic channels, of the completion of the procedures required by its law for the entry into force of this Agreement.

3. This Agreement shall enter into force on the later of:

(a) the date on which the EU-Egypt Agreement ceases to apply to the United Kingdom; and

(b) the date of the later of the notifications by which the Parties notify each other that they have completed their respective legal procedures.

4. The United Kingdom shall submit notifications under this Article to the Ministry of Foreign Affairs of Egypt or its successor. Egypt shall submit notifications under this Article to the United Kingdom's Foreign, Commonwealth and Development Office or its successor.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Done in duplicate at Cairo this fifth day of December 2020 in the English and Arabic languages, both texts being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

SIR GEOFFREY ADAMS

For the Government of the Arab Republic of Egypt:

BADR ABDELATY

Annex I

The incorporation of the provisions of the EU-Egypt Agreement into this Agreement is further modified as follows and as set out in Annex I:

1. MODIFICATIONS TO TITLE I

POLITICAL DIALOGUE

(a) In Article 5(2) for the word "shall" substitute "may".

2. MODIFICATIONS TO TITLE II

FREE MOVEMENT OF GOODS

(a) Article 15(1) shall not be incorporated into this Agreement.

(b) In Article 15(2) the words "Without prejudice to the provisions of paragraph 1 and" shall not be incorporated into this

Agreement.

(c) In Article 15(3) for the words "the Agreement in the form of an Exchange of Letters signed at Brussels on 28 October 2009" substitute "this Agreement".

(d) In Article 18(3) for the words "1 January 1999" substitute "the date of entry into force of this Agreement".

(e) Article 19 shall not be incorporated into this Agreement.

(f) In Article 21(2) the final sentence shall not be incorporated into this Agreement.

3. MODIFICATIONS TO TITLE IV

CAPITAL MOVEMENTS AND OTHER ECONOMIC MATTERS

(a) In Article 34(2) for the words "the Agreement" substitute "this Agreement".

4. MODIFICATIONS TO TITLE V

ECONOMIC COOPERATION

(a) In Article 43(a) the first and second bullet points shall not be incorporated into this Agreement.

(b) In the second bullet point of Article 45 the words "and to networks created in the context of decentralised cooperation" shall not be incorporated into this Agreement.

(c) Article 48 shall not be incorporated into this Agreement.

(d) In Article 51 the following shall not be incorporated into this Agreement:

i. in the first bullet point the words "linked to the main trans- European lines of communication"; and

ii. the second bullet point.

(e) In the second paragraph of Article 52 the fifth bullet point shall not be incorporated into this Agreement.

(f) In the fourth bullet point of Article 53 the words "and for their linking to European Community networks" shall not be incorporated into this Agreement.

5. MODIFICATIONS TO TITLE VI

CHAPTER 2 - COOPERATION FOR THE PREVENTION AND CONTROL OF ILLEGAL IMMIGRATION AND OTHER CONSULAR ISSUES

(a) In Article 68 for the third paragraph which commences "In respect of the Member States..." substitute:

"In respect of the United Kingdom the obligations in this Article shall apply only in respect of:

(a) British citizens;

(b) British subjects with the right of abode in the United Kingdom; and

(c) British Overseas Territories citizens who acquire their citizenship from a connection with Gibraltar."

6. MODIFICATIONS TO TITLE VIII

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

(a) In the first paragraph of Article 82(4) the second sentence, which commences "For the application...." shall not be incorporated into this Agreement.

(b) Article 88 shall not be incorporated into this Agreement.

(c) In the second paragraph of Article 89 after the words "other Party" insert "in writing".

(d) Article 91 shall not be incorporated into this Agreement.

7. MODIFICATIONS TO ANNEX VI

In paragraph 1 for the words "the Agreement" substitute "this Agreement".

8. MODIFICATIONS TO PROTOCOL 1 CONCERNING THE ARRANGEMENTS APPLICABLE TO THE IMPORTATION INTO THE EUROPEAN COMMUNITY OF AGRICULTURAL PRODUCTS, PROCESSED AGRICULTURAL PRODUCTS AND FISH AND FISHERY PRODUCTS ORIGINATING IN THE ARAB REPUBLIC OF EGYPT

[not included]

9. MODIFICATIONS TO PROTOCOL 2 CONCERNING THE ARRANGEMENTS APPLICABLE TO THE IMPORTATION INTO THE ARAB REPUBLIC OF EGYPT OF AGRICULTURAL PRODUCTS, PROCESSED AGRICULTURAL PRODUCTS AND FISH AND FISHERY PRODUCTS ORIGINATING IN THE EUROPEAN COMMUNITY

[not included]

10. MODIFICATIONS TO PROTOCOL 5 ON MUTUAL ASSISTANCE BETWEEN ADMINISTRATIVE AUTHORITIES IN CUSTOMS MATTERS

[not included]

11. MODIFICATIONS TO JOINT DECLARATIONS

(a) The Joint Declaration on Article 14 shall not be incorporated into this Agreement.

(b) The Joint Declaration on Article 34 shall not be incorporated into this Agreement.

ANNEX II

MODIFICATIONS TO PROTOCOL 4 CONCERNING THE DEFINITION OF THE CONCEPT OF ORIGINATING PRODUCTS' AND METHODS OF ADMINISTRATIVE COOPERATION

[not included]