

Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of North Macedonia

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ("the United Kingdom") and THE REPUBLIC OF NORTH MACEDONIA ("North Macedonia") (hereinafter referred to as "the Parties"),

RECOGNISING that the Stabilisation and Association Agreement between the European Union and the Republic of North Macedonia (1), done at Luxembourg on 9 April 2001 ("the EU-North Macedonia Agreement") will cease to apply to the United Kingdom at the end of the transitional arrangement during which that Agreement continues to apply to the United Kingdom;

TAKING ACCOUNT of the principles set out in the preamble to the EU-North Macedonia Agreement, and desiring that the rights and obligations between the Parties as provided for by the EU-North Macedonia Agreement should continue as modified by this Agreement;

HAVE AGREED AS FOLLOWS:

(1) Concluded as "the Stabilisation and Association Agreement between the European Communities and their Member States, on the one part, and the former Yugoslav Republic of Macedonia, of the other part".

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-North Macedonia Agreement.
2. In particular, the Parties agree to preserve the preferential conditions relating to trade between the Parties which resulted from the EU-North Macedonia 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 objectives in Article 1 of the EU-North Macedonia Agreement (as modified by this instrument).

Article 2. Definitions and Interpretation

1. Throughout this instrument:

the "Additional Protocol" means the Additional Protocol adjusting the trade aspects of the EU-North Macedonia Agreement to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks, done at Brussels on 18 December 2001; (2)

the "Incorporated Agreement" means the provisions of the EU-North Macedonia Agreement to the extent incorporated into this Agreement (and related expressions are to be read accordingly); and

"mutatis mutandis" means with the technical changes necessary to apply the EU-North Macedonia Agreement as if it had been concluded between the United Kingdom and North Macedonia, taking into account the object and purpose of this Agreement.

2. Throughout the Incorporated Agreement and this instrument, "this Agreement" means the entire agreement comprising this instrument and the provisions of the EU-North Macedonia Agreement as incorporated by Article 3(1).

3. References to financial cooperation in the Incorporated Agreement cover a range of forms of such cooperation and means by which it may occur, including assistance provided through multilateral and regional organisations.

(2) Concluded as "the Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks".

Article 3. Incorporation of the EU-North Macedonia Agreement

1. The provisions of the EU-North Macedonia Agreement in effect immediately before they cease to apply to the United Kingdom are incorporated into and made part of 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-North Macedonia Agreement in relation to that Agreement and set out in Annex I to this instrument shall apply with the same legal effect, mutatis mutandis, to the Parties to this Agreement, subject to the provisions of 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 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 124, this Agreement shall apply, in respect of the United Kingdom, to the extent that and under the conditions which the EU-North Macedonia 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 12 of this instrument, this Agreement shall apply to Gibraltar, the Channel Islands and the Isle of Man from the date of written notification by the United Kingdom to North Macedonia of application of this Agreement to those territories.

Article 7. Continuation of Time Periods

1. Unless this instrument provides otherwise:

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

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

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

Article 8. Tariff Quotas

1. Unless otherwise provided in the Incorporated Agreement, in the Incorporated Agreement the administration period for a tariff quota in Article 27(2), Annex IV(b), Annex IV(c), Annex V(c) and Annex III to Protocol 3 and Annex I to the Additional Protocol shall be 1 January to 31 December for each year this Agreement is in force.
2. If this Agreement enters into force part-way through an administration period, the volume of each tariff quota shall be re-sized and applied on a pro-rata basis from the date of entry into force of this Agreement to 31 December of the same year.

Article 9. Further Provision In Relation to the Partnership, Trade and Cooperation Council and the Partnership, Trade and Cooperation Committee

1. The Council which the Parties establish under incorporated Article 108 shall, in particular, ensure that this Agreement operates properly. For the purposes of this Agreement, this Council shall be referred to as the Partnership, Trade and Cooperation Council and all references to the Stabilisation and Association Council in the Incorporated Agreement (including to any committees established under incorporated Articles 112 and 114) shall be understood accordingly.
2. Unless the Parties otherwise agree, any decisions adopted by the Stabilisation and Association Council or the Stabilisation and Association Committee established by the EU-North Macedonia Agreement before it 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 Partnership, Trade and Cooperation Council or the Partnership, Trade and Cooperation Committee the Parties established under incorporated Articles 108 and 112, respectively.
3. Nothing in paragraph 2 prevents the Partnership, Trade and Cooperation Council or Partnership, Trade and Cooperation Committee established by this Agreement from making decisions which are different to, modify, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

Article 10. Integral Parts of this Agreement

1. The annexes and footnotes to this instrument are integral to this Agreement.
2. Nothing in this Article shall affect Article 121 of the Incorporated Agreement, as amended by this instrument.

Article 11. Amendments

1. The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force on the first day of the first month following the date 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 Partnership, Trade and Cooperation Council may decide that the Annexes and Protocols to this Agreement should be amended. The Parties may adopt the Partnership, Trade and Cooperation Council's decision subject to their applicable legal requirements and procedures.

Article 12. Entry Into Force and Provisional Application

1. Articles 127 and 128 of the EU-North Macedonia 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-North Macedonia Agreement ceases to apply to the United Kingdom; or
 - (b) the date of the later of the Parties' notifications that they have completed their internal procedures.
4. Pending entry into force of this Agreement, the negotiating States may agree to provisionally apply this Agreement, or specific provisions thereof, by an exchange of notifications signifying the completion of ratification or such other domestic procedures as are required for provisional application. Such provisional application shall take effect on the later of:
 - (a) the date on which the EU-North Macedonia Agreement ceases to apply to the United Kingdom; or

(b) the date of the later of the negotiating States' notifications.

5. A negotiating State may terminate the provisional application of this Agreement by giving written notice to the other negotiating State. Such termination shall take effect one month following the date of notification.

6. Where this Agreement is, or certain provisions of this Agreement are, provisionally applied, the term "entry into force of this Agreement" in any provisionally applied provisions shall be deemed to refer to the date that such provisional application takes effect.

7. The United Kingdom shall submit notifications under this Article to North Macedonia's Ministry of Foreign Affairs or its successor. North Macedonia 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 Skopje this third day of December 2020 in the English and Macedonian languages, both texts being equally authoritative.

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

RACHEL GALLOWAY

For the Government of the Republic of North Macedonia:

BUJAR OSMANI

Annex I

The incorporation of the provisions of the EU-North Macedonia Agreement into this Agreement is further modified as follows and as set out in Annexes II and III of this instrument:

1. MODIFICATIONS TO ARTICLE 1

(a) In the second indent of Article 1(2), the words "also through the approximation of its legislation to that of the Community," shall not be incorporated into this Agreement.

2. MODIFICATIONS TO TITLE I

GENERAL PRINCIPLES

(a) In Article 3, the words "the Stabilisation and Association process. The conclusion and the implementation of this Agreement come within the framework of the regional approach of the Community as defined in the Council conclusions of 29 April 1997, based on the merits of the individual countries of the region" shall be replaced by "this Agreement".

3. MODIFICATIONS TO TITLE II

POLITICAL DIALOGUE

(a) In the third indent of Article 7, the words ", including in the areas covered by Common Foreign and Security Policy of the European Union" shall not be incorporated into this Agreement.

(b) In the first line of Article 9, the word "shall" shall be replaced by "may".

(c) In Article 10, the word "shall" shall be replaced by "may", and before "established" the words "which may be" shall be inserted.

4. MODIFICATIONS TO TITLE III

REGIONAL COOPERATION

(a) In the first paragraph of Article 11, the words "The Community will also support projects having a regional or cross-border

dimension through its technical assistance programmes.", shall be replaced by "The United Kingdom may assist or support such regional cooperation, including as set out in Articles 11 to 14 of the EU-North Macedonia Agreement.²

(b) In Article 11, the second paragraph shall not be incorporated into this Agreement.

(c) Articles 12 to 14 shall not be incorporated into this Agreement.

5. MODIFICATIONS TO TITLE IV

FREE MOVEMENT OF GOODS

(a) Article 16(3) shall be replaced by: "The parties commit to continued cooperation on nuclear safety, security and radiation protection, in accordance with the principles and standards of the International Atomic Energy Agency ("IAEA") and the relevant international treaties and conventions concluded within the framework of the IAEA".

(b) After the second paragraph of Article 27(1), the following shall be inserted as a new paragraph: "Annex IIA sets out additional concessions in relation to products covered by Chapters 7 and 8 of the Combined Nomenclature and wine products."

(c) In Article 27(2), the words "1650 tonnes" and "7000 tonnes" shall be replaced by "2225 tonnes" and "953 tonnes" respectively.

(d) In Article 29(1), the words ", no later than 1 January 2003" shall not be incorporated into this Agreement.

(e) In Article 35(3), the final sentence shall not be incorporated into this Agreement.

(f) Article 43 shall not be incorporated into this Agreement.

6. MODIFICATIONS TO TITLE V

MOVEMENT OF WORKERS, ESTABLISHMENT, SUPPLY OF SERVICES, CAPITAL

(a) Article 45(1) shall not be incorporated into this Agreement.

(b) In Article 46:

i. in the first indent of the first paragraph, the words "various Member States", shall be replaced by "United Kingdom and the various Member States of the European Union"; and

ii. before the second paragraph, insert as new paragraphs:

"Notwithstanding the above, the first indent of the first paragraph shall not apply unless and until the Partnership, Trade and Cooperation Council:

(a) determines that appropriate data sharing arrangements are in place to enable the United Kingdom to implement the first indent of the first paragraph; and

(b) having done so, decides to apply the provision, with or without modifications, or to replace it.

After entry into force of this Agreement, the Partnership, Trade and Cooperation Council shall examine any developments in data sharing arrangements between the United Kingdom and the European Union and consider whether these are appropriate to enable implementation of the first indent of the first paragraph."

(c) In Article 48(4), the words "relevant European Court of Justice case law, and the" shall not be incorporated into this Agreement.

(d) In Article 55(3), the final sentence shall not be incorporated into this Agreement.

(e) In Article 56(1), the words "the day preceding the day of entry into force of the Agreement" shall be replaced by "31 March 2004".

(f) In Article 56(2), the words "the entry into force of the Agreement" and "the date of entry into force of the Agreement" shall be replaced by "1 April 2004".

(g) In Article 57(1) the words "Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of transport entered into force on 28 November 1997" shall be replaced by "Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Macedonian Government on

International Road Transport which entered into force on 29 July 2005".

(h) In Article 57(4), the words "after the entry into force of this Agreement" shall not be incorporated into this Agreement.

(i) The first paragraph of Article 57(6), commencing "During the transitional period ...", shall not be incorporated into this Agreement.

(j) Article 60 shall not be incorporated into this Agreement.

(k) After Article 67, the following shall be inserted as a new Article:

"Article 67A

1. Notwithstanding that this Agreement does not commit North Macedonia to approximate its legislation to that of the United Kingdom, the Parties recognise that there is an alignment of their legislation as a result of the EU-North Macedonia Agreement in the relevant sectors. The Parties agree that the operation of the following provisions of this Agreement depends upon the continued alignment of their legislation in the relevant sectors:

Title V (Movement of Workers, Establishment, Supply of Services, Capital):

- Chapter I, Movement of Workers (Article 44);

- Chapter II, Establishment (Articles 48, 49(1) and 53); and

- Chapter II, Supply of services (Articles 55, 56(1) and 57).

2. If a Party considers that the necessary level of alignment of their legislation is no longer reached, it may request consultations on the matter. Unless the Parties agree otherwise, consultations under this Article shall take place no later than 30 days after the date of delivery of the request for consultations by the other Party ("the consultation request date").

3. If the matter is not resolved within 45 days of the consultation request date, a Party may suspend the operation of the provisions referred to in paragraph 1 after having notified the other Party in accordance with paragraph 4.

4. The suspension in paragraph 3 shall not take place sooner than 90 days after the date of delivery of the notification referred to in that paragraph.

5. In the event of a Party suspending provisions according to paragraph 3, the Parties shall offer the services and service suppliers of the other Party treatment no less favourable than that accorded to like services and service suppliers of any third country. Preferential treatment granted by either Party to the services and service suppliers of a third country consistent with GATS shall be excluded from this paragraph."

7. MODIFICATIONS TO TITLE VI

APPROXIMATION OF LAWS AND LAW ENFORCEMENT

(a) Article 68 shall not be incorporated into this Agreement.

(b) Article 69 shall not be incorporated into this Agreement.

(c) In Article 69(4), the second indent shall not be incorporated into this Agreement.

(d) Article 70 shall be replaced by:

"With regard to public undertakings and undertakings to which special or exclusive rights have been granted, the Parties shall ensure that there is neither enacted nor maintained any measure distorting trade between the Parties contrary to the Parties' interests. This provision should not obstruct the performance in law or in fact of the particular tasks assigned to those undertakings."

(e) Article 71 shall not be incorporated into this Agreement.

(f) In Article 71(3) the words "within the period referred above" shall be replaced by "no later than five years after the entry into force of this Agreement".

(g) In Article 72(2), the second paragraph, shall be replaced by:

"The United Kingdom shall periodically examine the possibility of applying the above provision to contracts in the utilities sector."

(h) In Article 72(3), the words "44 to 67" shall be replaced by "44 to 59 and 61 to 67".

(i) Article 73(1) shall not be incorporated into this Agreement.

(j) In Article 73(2), the words "To this end," and the first and second indents shall not be incorporated into this Agreement.

8. MODIFICATIONS TO TITLE VII

JUSTICE AND HOME AFFAIRS

(a) Article 76(2) shall be replaced by:

"The Parties will set out arrangements for readmission, including the readmission of nationals of other countries and stateless persons."

(b) Article 76(3) shall not be incorporated into this Agreement.

(c) In Article 77(2), the words "the Community and" shall not be incorporated into this Agreement.

(d) In Article 79, the words "along the lines of the EU Drug Strategy" shall not be incorporated into this Agreement.

9. MODIFICATIONS TO TITLE VIII

COOPERATION POLICIES

(a) In Article 81(3), the words "and the gradual development of its policies towards those of the European Monetary System. Cooperation in this area will include informal exchange of information concerning the principles and the functioning of the European Monetary System and the European System of Central Banks" shall not be incorporated into this Agreement.

(b) In Article 82(1), the words "and the stipulations of the European Statistical law and develop towards the acquis communautaire in statistics" shall not be incorporated into this Agreement.

(c) In Article 82(2), the fourth indent shall not be incorporated into this Agreement.

(d) In Article 82(3), the words ", participation in selected EUROSTAT working groups" shall not be incorporated into this Agreement.

(e) In Article 83(1), the first indent shall not be incorporated into this Agreement.

(f) In Article 83(2), the words "following the harmonised Community methods and procedures" shall not be incorporated into this Agreement.

(g) In Article 88(1), the words "and to achieve the approximation of the customs system of the former Yugoslav Republic of Macedonia to that of the Community" shall not be incorporated into this Agreement.

(h) In Article 90(4), the words ", taking as a reference the level of protection existing in the Community" shall not be incorporated into this Agreement.

(i) Article 91(2) and (3) shall not be incorporated into this Agreement.

(j) In the second paragraph of Article 94, the words ", and where appropriate, harmonise" shall not be incorporated into this Agreement.

(k) In Article 95, the words ", with the objective of ultimate alignment with the acquis by the former Yugoslav Republic of Macedonia one year after the entry into force of the Agreement" shall not be incorporated into this Agreement.

(l) In Article 96, the second and third paragraphs shall not be incorporated into this Agreement.

(m) In Article 97:

i. the first sentence shall not be incorporated into this Agreement; and

ii. in the second paragraph, the first indent shall be replaced by "that adequate consumer protection legislation is put in place".

(n) In Article 98(1):

i. the words "Agreement between the European Community and the former Yugoslav Republic of Macedonia in the field of

transport" shall be replaced by "Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Macedonian Government on International Road Transport which entered into force on 29 July 2005"; and

ii. the third and fourth indents shall not be incorporated into this Agreement.

(o) In Article 98(2), the following shall not be incorporated into this Agreement:

i. the fifth indent;

ii, the words "in line with Community standards" in the sixth indent; and

iii. the final (eighth) indent.

(p) In Article 100, the words ", the gradual harmonisation of veterinary and phytosanitary legislation with Community standards" shall not be incorporated into this Agreement.

(q) In Article 103(2), the tenth indent, which reads "continuous approximation of laws and regulations to Community standards", shall not be incorporated into this Agreement.

(r) In Article 103(2), the words "within the framework of " in the twelfth indent shall be replaced by "with".

(s) In Article 103(4), the words ", or EURATOM," shall not be incorporated into this Agreement.

10. MODIFICATIONS TO TITLE IX

FINANCIAL COOPERATION

(a) In Article 104:

i. the words "Articles 3, 108 and 109" shall be replaced by "Article 3"; and;

ii. the words "from the Community in the forms of grants and loans, including loans from the European Investment Bank" shall be replaced by "from the United Kingdom, subject to the agreement of both parties. The United Kingdom may also cooperate with initiatives set out in Articles 104 to 107 of the EU-North Macedonia Agreement, subject to the agreement of all parties".

(b) Articles 105 to 107 shall not be incorporated into this Agreement.

11. MODIFICATIONS TO TITLE X

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

(a) In Article 109(1), in each instance, after "members" the words "or representatives" shall be inserted.

(b) Article 109(5) shall not be incorporated into this Agreement.

(c) In the first paragraph of Article 110, the final sentence shall not be incorporated into this Agreement.

(d) In Article 113, the final sentence shall not be incorporated into this Agreement.

(e) In Article 114, the words "is hereby" shall be replaced by "may be", and after "established" the words "by the Parties" shall be inserted.

(f) Article 121 shall be replaced by:

"The Protocols, Annexes and the Additional Protocol shall form an integral part of this Agreement."

(g) Article 123 shall not be incorporated into this Agreement.

(h) In Article 124, the words "the Treaties Establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community" shall be replaced by "the Treaty on European Union and the Treaty on the Functioning of the European Union".

(i) = Article 125 shall not be incorporated into this Agreement.

12. MODIFICATIONS TO ANNEX IV(b)

[not included]

13. MODIFICATIONS TO ANNEX IV(c)

[not included]

14. MODIFICATIONS TO ANNEX V(c)

[not included]

15. MODIFICATIONS TO ANNEX VII INTELLECTUAL, INDUSTRIAL AND COMMERCIAL PROPERTY RIGHTS (REFERRED TO IN ARTICLE 71)

(a) Paragraph 3 shall not be incorporated into this Agreement.

16. MODIFICATIONS TO PROTOCOL 1 TEXTILE AND CLOTHING PRODUCTS

[not included]

17. MODIFICATIONS TO PROTOCOL 2 STEEL PRODUCTS

[not included]

18. MODIFICATIONS TO PROTOCOL 3

[not included]

19. MODIFICATIONS TO PROTOCOL 5 MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS

[not included]

20. MODIFICATIONS TO THE ADDITIONAL PROTOCOL

[not included]

21. JOINT DECLARATIONS

The following Joint Declarations, or parts thereof, are those referred to by Article 3(2) of this instrument:

(a) Joint Declaration concerning Article 71; and

(b) Joint Declaration concerning Article 118.

Annex II

(a) Protocol 4 of the EU-North Macedonia Agreement shall be replaced by:

[not included]

Annex III

[not included]