

Miscellaneous No. 14 (2019)

Interim Political, Trade and Partnership Agreement

between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part

Ramallah, 18 February 2019

[The Agreement is not in force]

Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
February 2019

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INTERIM POLITICAL, TRADE AND PARTNERSHIP AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE ONE PART, AND THE PALESTINE LIBERATION ORGANIZATION (PLO) FOR THE BENEFIT OF THE PALESTINIAN AUTHORITY OF THE WEST BANK AND THE GAZA STRIP, OF THE OTHER PART

The United Kingdom of Great Britain and Northern Ireland ("the United Kingdom") and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip ("the Palestinian Authority") (hereinafter referred to as "the Parties"),

Recognising that the Euro-Mediterranean Interim Association Agreement on Trade and Cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part ("EU–Palestinian Authority Interim Association Agreement") will cease to apply to the United Kingdom when it ceases to be a Member State of the European Union or at the end of any transitional period or implementation period during which the rights and obligations under the EU–Palestinian Authority Interim Association Agreement continue to apply to the United Kingdom;

Desiring that the rights and obligations between them as provided for by the EU–Palestinian Authority Interim Association Agreement and related Agreements between the European Union and the Palestinian Authority should continue after the United Kingdom leaves the European Union;

Have agreed as follows:

ARTICLE 1

Objective

The overriding objective of this Agreement is to preserve the preferential conditions relating to trade and the cooperation and other links between the Parties, all of which result from the EU-Palestinian Authority Interim Association Agreement, and to provide a platform for further trade liberalisation and enhancement of those links and that cooperation between them.

ARTICLE 2

Definitions and Interpretation

1. Throughout this instrument:

"*mutatis mutandis*" means with the technical changes necessary to apply the amended EU-Palestinian Authority Interim Association Agreement, as defined in Article 3(1), as if it had been concluded between the United Kingdom and the Palestinian Authority, taking into account the object and purpose of this present Agreement; and the "Incorporated Agreement" means the EU-Palestinian Authority Interim Association Agreement as incorporated into and made part of this Agreement (and related expressions are to be read accordingly).

2. Throughout the Incorporated Agreement and this instrument, "this Agreement" means the entire Agreement, including anything incorporated by Article

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

ARTICLE 3

Incorporation of the Amended EU-Palestinian Authority Interim Association Agreement

1. The provisions of the EU-Palestinian Authority Interim Association Agreement, as amended by the Agreement in the form of an Exchange of Letters between the European Union, of the one part, and the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, providing further liberalisation of agricultural products, processed agricultural products and fish and fishery products and amending the Euro-Mediterranean Interim Association Agreement on Trade and Cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part done at Brussels on 13th April 2011 (hereinafter referred to as the "amended EU–Palestinian Authority Interim Association Agreement"), in effect immediately before it ceases to apply to the United Kingdom are incorporated into and made part of this Agreement, *mutatis mutandis*, subject to the provisions of this instrument, including the Annex.

2. The obligations described in the Joint Declarations made by the Parties to the amended EU–Palestinian Authority Interim Agreement in relation to that Agreement and set out in the Annex to this Agreement shall apply with the same legal effect, *mutatis mutandis*, to the Parties to this Agreement, subject to the provisions of this instrument.

ARTICLE 4

Territorial Application

For the avoidance of doubt in relation to incorporated Article 73, this Agreement shall apply, to the extent that and under the conditions which the amended EU-Palestinian Authority Interim Association Agreement applied to the United Kingdom and the territories for whose international relations the United Kingdom is responsible immediately before the amended EU–Palestinian Authority Interim Association Agreement ceased to apply to the United Kingdom.

ARTICLE 5

Continuation of Time Periods

1. Unless this instrument provides otherwise:

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

   (b) if a period in the amended EU-Palestinian Authority Interim Association Agreement has ended, any ongoing right or obligation in the amended EU-Palestinian Authority Interim Association 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 6

References to Convergence, Harmonisation, Integration or Approximation to European Union Law or Standards

The Parties recognise that references to the convergence, harmonisation, integration or approximation of Palestinian law or standards to the law or standards of the European Union are not appropriate for application between the Parties and shall, subject to the exceptions and modifications in the Annex, not be incorporated into this Agreement.

ARTICLE 7

Further Provision in Relation to the Joint Committee for United Kingdom–Palestinian Authority Trade and Cooperation

1. The Joint Committee for United Kingdom–Palestinian Authority Trade and Cooperation which the Parties establish under incorporated Article 63 shall, in particular, ensure that this Agreement operates properly from the time at which the amended EU-Palestinian Authority Interim Association Agreement ceases to apply to the United Kingdom.

2. Unless the Parties agree otherwise, any decisions adopted by the Joint Committee, or any specialised committees established by the Joint Committee under incorporated Article 66 of the amended EU-Palestinian Authority Interim Association Agreement with the power to make decisions, before the amended EU-Palestinian Authority Interim Association 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 Joint Committee or the relevant specialised committee established by this Agreement.

3. Nothing in paragraph 2 prevents the Joint Committee or specialised committees established by this Agreement from making decisions, which are different to, revoke or supersede the decisions deemed to have been adopted by them under that paragraph.

ARTICLE 8

Integral Parts of this Agreement

1. The Annex to this instrument shall form an integral part of this Agreement.

2. Nothing in this Article shall affect Article 71 of the Incorporated Agreement.

ARTICLE 9

Amendments

1. The Parties may agree, in writing, to amend this Agreement. An amendment shall come into force on the date of receipt of the later of the Parties' written notifications certifying that they have completed their respective legal requirements and procedures, or on such date as the Parties may agree.

2. Notwithstanding paragraph 1, the Joint Committee may decide that the Annexes and Protocols to this Agreement, incorporated or otherwise should be amended. The Parties may adopt the Joint Committee's decision subject to their respective applicable legal requirements and procedures.

ARTICLE 10

Entry into Force and Provisional Application

1. Articles 75(1) and (2) of the amended EU-Palestinian Authority Interim Association Agreement shall not be incorporated into this Agreement.

2. Each Party shall notify the other Party of the completion of its domestic procedures required 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 amended EU-Palestinian Authority Interim Association Agreement ceases to apply to the United Kingdom; or

(b) the day following the date of receipt of the later of the Parties' notifications that they have completed their internal procedures.

4. Pending entry into force of this Agreement, the Parties may agree to provisionally apply this Agreement, or provisions of it, in accordance with the Parties' internal procedures.

5. Where agreed pursuant to Article 10(4), this Agreement, or provisions of it, shall be applied provisionally between the Parties on the later of:

(a) the date on which the amended EU-Palestinian Authority Interim Association Agreement ceases to apply to the United Kingdom; or

(b) the day following the later of either the receipt of notification of provisional application from the United Kingdom or of ratification, approval or provisional application from the Palestinian Authority.

(c) A Party may terminate the provisional application of this Agreement, or provisions of it, by written notification to the other Party. Such termination shall take effect on the first day of the third month following the 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 the Palestinian Ministry for National Economy or its successor. The Palestinian Authority shall submit notifications under this Article to the United Kingdom's Department for International Trade or its successor.

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

Done in Duplicate at Ramallah this 18th day of February 2019, in the English and Arabic languages, both texts being equally authoritative. In case of divergence in interpretation or any discrepancies, the English text shall prevail.

For the Government of the United Kingdom of Great Britain and Northern Ireland:	**For the Palestine Liberation Organization for the Palestinian Authority of the West Bank and the Gaza Strip:**
LIAM FOX	**ABEER ODEH**

ANNEX

The incorporation of the amended EU-Palestinian Authority Interim Association Agreement into this Agreement is further modified as follows:

Part 1

MODIFICATIONS TO TITLE I

FREE MOVEMENT OF GOODS

In Article 3, the following words in the first sentence shall not be incorporated: "establish progressively … over a transitional period, not extending beyond 31 December 2001," and the word "maintain" shall be added after the word "shall" so that the wording is "shall maintain a free trade area".

MODIFICATIONS TO TITLE II

PAYMENTS, CAPITAL, COMPETITION, INTELLECTUAL PROPERTY AND PUBLIC PROCUREMENT

For the avoidance of doubt, Article 30.2 shall not be incorporated.

MODIFICATIONS TO TITLE IV

COOPERATION ON AUDIOVISUAL AND CULTURAL MATTERS, INFORMATION AND COMMUNICATION

In Article 58, the words "(MED-CAMPUS, for instance)" shall not be incorporated.

MODIFICATIONS TO PROTOCOL 1

concerning the provisional arrangements applicable to imports into the European Union of agricultural products, processed agricultural products and fish and fishery products originating in the West Bank and the Gaza Strip

Point 2 shall be replaced by the following:

"2. The Parties acknowledge that the United Kingdom may introduce and apply an entry price system on or after the date of entry into force of this Agreement in order to replicate, in whole or in part, the entry price system that the European Union applies to certain fruits and vegetables in accordance with Article 181 of Council Regulation (EC) No 1308/2013 (and any successor legislation which is applicable upon the entry into force of this Agreement).

If the United Kingdom applies an entry price system to originating goods of the Palestinian Authority in accordance with the United Kingdom's legislation that is adopted on or after the entry into force of this Agreement to replicate, in whole or in part, the entry price system applied in accordance with Article 181 of Council Regulation (EC) No 1308/2013 (and any successor legislation which is applicable upon the entry into force of this Agreement), then notwithstanding the conditions under point 1 of this Protocol, for the products to which such entry price system applies and for which the United Kingdom's customs tariff provides for the application of ad valorem customs duties and a specific customs duty, the elimination applies only to the ad valorem part of the duty."

MODIFICATIONS TO PROTOCOL 3

concerning the definition of the concept of 'originating products' and methods of administrative cooperation

Protocol 3 shall be replaced by the text in the Appendix to the Annex.

Part 2

Joint Declarations

Joint Declaration on intellectual, industrial and commercial property (Article 33 of the Amended EU- Palestinian Authority Interim Association Agreement)

Joint Declaration on Article 55 of the Amended EU-Palestinian Authority Interim Association Agreement

Joint Declaration on Article 58 of the Amended EU-–Palestinian Authority Interim Association Agreement

Joint Declaration on decentralised cooperation

Joint Declaration on Article 67 of the Amended EU-Palestinian Authority Interim Association Agreement

Joint Declaration on Article 70 of the Amended EU-Palestinian Authority Interim Association Agreement

Joint Declaration on data protection

Joint Declaration on a programme of support for Palestinian industry

Common declaration on cooperation on sanitary and phytosanitary or technical barriers to trade issues

Part 3

RECOMMENDATION OF THE EU-PALESTINIAN AUTHORITY JOINT COMMITTEE OF 14 APRIL 2013 ON THE IMPLEMENTATION OF THE EUROPEAN UNION-PALESTINIAN AUTHORITY EUROPEAN NEIGHBOURHOOD POLICY ACTION PLAN

For the avoidance of doubt, the European Union -Palestinian Authority European Neighbourhood Policy Action Plan, which the EU-Palestinian Authority Joint Committee recommended the European Union and the Palestinian Authority implement in its Recommendation of 14 April 2013, shall not be incorporated. The United Kingdom and the Palestinian Authority shall continue to cooperate bilaterally through other relevant mechanisms, arrangements and institutions.