

**AFRICAN UNION**

**الاتحاد الأفريقي**



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**EXECUTIVE COUNCIL**  
**Eighteenth Extraordinary Session**  
**19 March 2018**  
**Kigali, RWANDA**

**Ext/EX.CL/Dec.1 & 2(XVIII)**  
Original: English/French

**DECISIONS**

**DECISION ON THE DRAFT AGREEMENT ESTABLISHING THE  
AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA)**

Doc. TI/AfCFTA/AMOT/5/FINAL/Report

Doc. Ext/STC/Legal/MIN/Report (II)

**The Executive Council,**

1. **ADOPTS** the Report of the 5<sup>th</sup> Meeting of the African Union Ministers of Trade (AMOT) held on 8 and 9 March 2018, the Report of the 2<sup>nd</sup> Extraordinary Session of the Specialised Technical Committee on Justice and Legal Affairs held from 11 to 15 March 2018 in Kigali, Rwanda, on the draft Agreement Establishing the African Continental Free Trade Area (AfCFTA), the Protocol on Trade in Goods, the Protocol on Trade in Services and the Protocol on Rules and Procedures on the Settlement of Disputes;
2. **RECOMMENDS** the draft Agreement Establishing the African Continental Free Trade Area, the Protocol on Trade in Goods, the Protocol on Trade in Services and the Protocol on Rules and Procedures on the Settlement of Disputes, to the Assembly for adoption;
3. **REQUESTS** the Commission to develop criteria that would ensure the setting up of an efficient AfCFTA Secretariat, which should in the interim be located within the Commission;
4. **AGREES** to the provisions in the draft AfCFTA Agreement related to the Entry into Force and Reservation;<sup>1</sup>
5. **RECOGNISES** the quality of work done by the African Union Ministers of Trade , STC on Justice and Legal affairs, the PRC, Chief negotiators and Experts in concluding the AfCFTA Agreement within the deadline set by the AU policy Organs;
6. **RECALLS** Decision Assembly/AU/Dec.394(XVIII), which mandated the Commission to fast-track the establishment of the Continental Free Trade Area by an indicative date of 2017 and Assembly/AU/Dec.569 (XXV), that launched the Continental Free Trade Area negotiations including the scope, objectives, negotiation principles and the institutional arrangements to govern the negotiations on Trade in Goods, Trade in Services, Investment, Intellectual Property Rights and Competition Policy in two phases;
7. **RECOGNISES** that the negotiations for Phase 1 have been concluded with the exception of Annex 1 on Schedules for Tariff Concessions, Schedules of Specific Commitments for Trade in Services, an Appendix on the AfCFTA Rules of Origin,

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<sup>1</sup> Egypt expressed concern over Article 25 of the Draft Agreement related to reservation

and the legal scrubbing of all the Annexes and Appendices, which all form part of the Built-In Agenda;

8. **CALLS UPON** Member States to finalize and submit their Schedule of Tariff Concessions and Schedules of Commitments for Trade in Services by January 2019, and in this regard, **ALSO CALLS UPON** technical partners, including UNECA and UNCTAD to support Member States to undertake this work;
9. **ACKNOWLEDGES** the ongoing preparations for the commencement of Phase 2 negotiations on Investment, Intellectual Property Rights and Competition Policy;
10. **DEEPLY APPRECIATES** the launch of the Single African Air Transport Market (SAATM) and the opening for signature for the Protocol on the Free Movement of Persons, which facilitates the free movement of goods and services in the AfCFTA in making the African market more attractive for trade and investment;
11. **WELCOMES** the convening of the AfCFTA Business Forum convened on the margins of this Extraordinary Summit and **REQUESTS** that this platform be institutionalised in order to strengthen partnerships with the private sector and civil society and to fast-track the establishment of the African Business Council;
12. **NOTES WITH APPRECIATION** the efforts of the Commission to deliver this Agenda 2063 Flagship Project and **REITERATES** its support to the Commission to assist in the implementation of the AfCFTA;
13. **CALLS ON** all bilateral partners and multilateral organisations to provide technical support for the implementation of this Decision;
14. **REITERATES** its request for the Commission to register the AfCFTA logo as a registered trademark and to reserve the domain name in all applicable media including Dot. Africa;
15. **REQUESTS** the Commission to:
  - a) provide technical support to Member States to facilitate the ratification process of the AfCFTA Agreement in all Member States, including the appointment of Eminent Persons and AfCFTA Ambassadors from the Private Sector under the leadership of the AfCFTA Leader, H.E. Mr. Issoufou Mahamadou, President of the Republic of Niger;
  - b) enhance its technical capacity to support the implementation of the Transitional Implementation Work Programme adopted by the 5<sup>th</sup> AU Ministers of Trade meeting, as well as the establishment of the AfCFTA institutions;

- c) continue close collaboration with Strategic Partners, including the African Development Bank (AfDB), United Nations Economic Commission for Africa (UNECA), United Nations Commission on Trade and Development (UNCTAD) and Regional Economic Communities (RECs) Secretariats, and their institutions, in order to implement the Transitional Implementation Work Programme, and conclude Phase 2 negotiations;
  - d) strengthen its collaboration with, inter alia, the Pan African Parliament, Economic, Social and Cultural Council (ECOSOCC), African Private Sector organisations and policy research institutions in the implementation of the Boosting Intra-African Trade (BIAT) Action Plan and the operationalisation of the AfCFTA decisions of the Executive Council and the Assembly;
16. **ALSO REITERATES** the need to continue consultations with the concerned countries on the level of ambition of tariff liberalization to reach consensus.

**DECISION ON THE AFRICAN COMMON POSITION FOR NEGOTIATIONS  
FOR A NEW COOPERATION AGREEMENT WITH THE EUROPEAN UNION**

Doc. Ext/EX.CL/2(XVIII)

**The Executive Council,**

1. **TAKES NOTE** the Draft African Common Position for the negotiation of a new Cooperation Agreement with the European Union in the context of Post-Cotonou 2020;
2. **COMMENDS** the PRC, the Task Force and the Commission, for the excellent work accomplished, which highlights all the avenues that could be explored;
3. **WELCOMES** the fact that the Draft proposed clearly sets out the framework for real and frank negotiations with the European Union outside the ACP context;
4. **APPRECIATES** that the draft African Common Position calls for:
  - i) A united and interdependent Africa which speaks with a single voice;
  - ii) A single framework for cooperation from Union to Union/continent to continent, independently of the ACP – EU framework;
  - iii) The preservation and strengthening of the agreements made between States, regions and the European Union, and their extension to all the other States of the Continent.
5. **ADOPTS** the African Common Position on Post-Cotonou 2020, taking into account comments by the Executive Council and **INVITES** the regions that wish to do so, to communicate their contributions to the Commission by 15 April 2018, and in this regard, **MANDATES** the Task Force to finalize the text of the African Common Position and to share it with the Ministers before the 107<sup>th</sup> Ministerial Meeting scheduled for May 2018 in Lomé, Togo;
6. **DECIDES** to initiate negotiations of South-South partnerships with the Caribbean and the Pacific, based on existing partnership models;
7. **REQUESTS** the PRC, in consultation with the Commission, to set up a Group of Political and Technical Negotiators representing Africa;
8. **MANDATES** the PRC, with the assistance of the Commission, to oversee the work of the Group of Negotiators and report thereon regularly;
9. **REQUESTS** the Commission to submit an appropriate draft supplementary budget to the 33<sup>rd</sup> Ordinary Session of the Executive Council for consideration and adoption for financing the negotiation process.