

No. 50303*

**South Africa
and
Hungary**

Agreement on economic cooperation between the Government of the Republic of South Africa and the Government of the Republic of Hungary (with exchange of notes, 08 March 2012 and 23 April 2012). Pretoria, 26 November 2009

Entry into force: *23 April 2012 by notification, in accordance with article 7*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *South Africa, 11 December 2012*

*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.

**Afrique du Sud
et
Hongrie**

Accord de coopération économique entre le Gouvernement de la République sud-africaine et le Gouvernement de la République de Hongrie (avec échange de notes, 08 mars 2012 et 23 avril 2012). Pretoria, 26 novembre 2009

Entrée en vigueur : *23 avril 2012 par notification, conformément à l'article 7*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 11 décembre 2012*

* Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.

[ENGLISH TEXT – TEXTE ANGLAIS]



AGREEMENT

ON

ECONOMIC COOPERATION

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA**

AND

**THE GOVERNMENT OF THE REPUBLIC OF
HUNGARY**

Preamble

The Government of the Republic of South Africa and the Government of the Republic of Hungary, (hereinafter jointly referred to as “the Parties” and in the singular as a “Party”);

DESIRING to strengthen and develop economic and industrial cooperation on a reciprocal and mutually beneficial basis;

BEING CONVINCED that this Agreement establishes favourable conditions and a suitable basis for further cooperation;

HEREBY AGREE as follows:

Article 1 Objectives

The Parties shall promote economic cooperation between their states in areas of mutual interest in accordance with the respective domestic law in force in their countries and subject to obligations under international treaties, conventions and agreements to which they may be party.

Article 2 Competent Authorities

The Competent Authorities responsible for the implementation of this Agreement shall be:

- (1) in the case of the Government of the Republic of South Africa, the Department of Trade and Industry; and
- (2) in the case of the Government of the Republic of Hungary, the ministry responsible for external economic relations.

Article 3 Economic Cooperation

The Parties shall encourage and facilitate cooperation between their natural and juristic persons within the framework of the domestic law in force in each country. To this end, the Parties agree to:

- (1) exchange information on their economic development priorities;
- (2) identify and facilitate investment and other economic opportunities by-

- (a) providing information on domestic law in force and regulations governing foreign investments and any changes thereto;
 - (b) identifying projects and sectors of potential interest for joint cooperation; and
 - (c) informing their respective business communities of investments and economic opportunities in each state.
- (3) promote economic and investment missions which bring together potential business partners;
 - (4) exchange information on industrial fairs, exhibitions, missions and other promotional activities in both states; and
 - (5) explore possibilities of cooperation in third markets.

Article 4
Joint Committee

- (1) For the purpose of implementing this Agreement, a Joint Committee hereinafter referred to as “the Committee”), comprised of the representatives of the Parties, shall be established. The Co-Chairpersons of the Committee shall be determined by the Parties.
- (2) If and when appropriate, the Committee may involve representatives from other ministries, institutions as well as high-ranking business representatives of both countries, to assist in the implementation of this Agreement.
- (3) The Committee shall meet if and when necessary, alternately in the Republic of South Africa and in the Republic of Hungary on dates mutually agreed upon by the Co-Chairpersons. A provisional agenda shall be exchanged at least a month before the date of the meeting.
- (4) The host country shall prepare a draft protocol of the session of the Committee, which shall be agreed upon and signed by the Co-Chairpersons at the end of the session.
- (5) In accordance with Article 2 of this Agreement, and within the framework of domestic law in force in both countries, the Committee shall be responsible for overseeing the implementation of this Agreement. The Committee’s functions may include, amongst other things-
 - (a) exchange of information and views on macroeconomic issues in the two states;
 - (b) promotion of economic and industrial cooperation between natural and legal persons of both states, in particular between small and medium enterprises;

- (c) issues arising in connection with business and investment activities; and
- (d) co-operation in third markets.

Article 5
Settlement of disputes

Any dispute between the Parties arising out of the interpretation or implementation of this Agreement shall be settled amicably through consultation or negotiations between the Parties.

Article 6
Final provisions

- (1) This Agreement shall in no way prejudice the obligations of the Republic of South Africa as a member of the Southern African Customs Union (“SACU”), The Southern African Development Community (“SADC”) and The African Union (“AU”), and is subject to those obligations.
- (2) Provisions of this Agreement shall not be interpreted, in such a way that it invalidates or otherwise detrimentally affect the obligations of the Republic of South Africa arising from these regional obligations.
- (3) This Agreement shall in no way invalidate or otherwise detrimentally affect any obligations that may arise in terms of the Trade, Development and Cooperation Agreement (“TDCA”) between the European Union (“EU”) and the Republic of South Africa, or the Economic Partnership Agreement between the Southern African Development Community and the European Union (“SADC-EU EPA”), if the Republic of South Africa becomes party to the SADC-EU EPA.
- (4) This Agreement shall in no way prejudice the obligations of the Republic of Hungary as a Member State of the European Union, and is subject to those obligations. Consequently the provisions of this Agreement shall not be invoked or interpreted, neither in whole nor in part in such a way as to invalidate, amend or otherwise affect the obligations of the Republic of Hungary arising from the Treaties on which the European Union is founded, as well as from the primary and secondary law of the European Union.

Article 7
Entry into force, Duration, Termination and Amendment

- (1) This Agreement shall enter into force on the thirtieth day after the receipt of the last notification through diplomatic channels, indicating the completion of all constitutional requirements necessary for the implementation of both countries.

- (2) This Agreement shall remain in force for an initial period of five (5) years, where after it shall automatically be extended for similar periods unless terminated by either Party giving six months written notice in advance to the other Party through the diplomatic channel of its intention to terminate this Agreement
- (3) Termination of this Agreement will be effective six (6) months after the date of the notification of such termination.
- (4) Termination of this Agreement shall have no effect on the fulfilment of contracts and agreements concluded during its period of validity, but not fulfilled on the date of its termination, unless the Parties agree otherwise.
- (5) This Agreement may be amended by mutual consent of the Parties through an Exchange of Notes between the Parties through the diplomatic channel.

IN WITNESS WHEREOF, the undersigned being duly authorised thereto by their respective Governments, have signed and sealed this Agreement in duplicate in the English language both texts being equally authentic.

Done at... PRETORIA on this 26 day of NOVEMBER 2009.



.....
FOR THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA



.....
FOR THE GOVERNMENT OF
THE REPUBLIC OF HUNGARY



The Ministry of Foreign Affairs of Hungary
Department of International Law

KÜM/3233/2012/Adm

NOTE VERBALE

The Ministry of Foreign Affairs of Hungary presents its compliments to the Embassy of the Republic of South Africa and has the honour to communicate the following:

The Hungarian Party has fulfilled its internal legal requirements for the entry into force of the Agreement on economic cooperation between the Government of the Republic of Hungary and the Government of the Republic of South Africa, signed at Pretoria, on 26th November, 2009.

According to Article 7 (1) of the Agreement: *„This Agreement shall enter into force on the thirtieth day after the receipt of the last notification through diplomatic channels, indicating the completion of all constitutional requirements necessary for the implementation of both countries.”*

In view of the above, the Ministry of Foreign Affairs would highly appreciate the notification of the South African Party with the same content.

The Ministry of Foreign Affairs of Hungary avails itself of this opportunity to renew to the Embassy of the Republic of South Africa the assurances of its highest consideration.

Budapest, 8th March 2012

**THE EMBASSY OF THE REPUBLIC OF SOUTH AFRICA
BUDAPEST**



BL1/HUN/A1

The Department of International Relations and Cooperation of the Republic of South Africa presents its compliments to the Embassy of Hungary and has the honour to refer to the Agreement between the Government of the Republic of South Africa and the Government of Hungary on Economic Cooperation signed in Pretoria on 26 November 2009.

The Department of International Relations and Cooperation further has the honour to acknowledge receipt of the Note Verbale No. KUM/3233/2012/Adm from the Ministry of Hungary dated 8 March 2012 notifying the Department that the Government of Hungary has complied with the constitutional requirements necessary for the entry into force of the above Agreement. The Department confirms that the constitutional requirements have also been met by the Government of the Republic of South Africa.

The Department notes that Article 7 (1) of the Agreement stipulates that the date of entry into force of the above-mentioned Agreement will be the date of this notification.

The Department of International Relations and Cooperation Affairs of the Republic of South Africa avails itself of this opportunity to renew to the Embassy of Hungary the assurances of its highest consideration.

PRETORIA
23 April 2012

The Embassy of Hungary
PRETORIA