

**DECISION ON THE AFRICAN CONTINENTAL FREE TRADE AREA (AfCFTA)**  
**Doc. Assembly/AU/4(XXXIII)**

**The Assembly,**

1. **TAKES NOTE** of the Decision of the Executive Council;
2. **ALSO TAKES NOTE** of the Report of the 2nd Meeting of the Council of Ministers of the African Continental Free Trade Area, held on 15 December 2019, Accra, Ghana and the recommendations therein;
3. **FURTHER TAKES NOTE** of the Report of the Bureau of the Council of Ministers of the African Continental Free Trade Area (AfCFTA) and the Executive Council on the selection of the Secretary General of the AfCFTA and **ENDORSES** the recommendations contained therein;
4. **EXPRESSES** gratitude to the Government of the Republic of Ghana for offering facilities for the AfCFTA Secretariat as well as for availing a grant of USD ten (10) million to support its operations;
5. **APPROVES** the Decision of the Council of Ministers to set up a Selection Panel and **EXPRESSES** appreciation to all members of the Selection Panel;

**Appointment and Installation of the Secretary General of the AfCFTA, and Assumption of Duty**

6. **DECIDES** to appoint and congratulate Mr. Wamkele Mene as Secretary General of the African Continental Free Trade Area for a four-year term at the salary grade of SP2, without prejudice to the functions of the Deputy Chairperson of the Commission as controller of the Union;
7. **UPHOLDS** its July 2019 Niamey Decision on the Operationalization of the AfCFTA Secretariat to have the permanent Secretariat start operating by 31 March 2020;
8. **DECIDES** that the swearing in and installation of the incoming AfCFTA Secretary General be held in Accra, Ghana on 31 March 2020, and **DIRECTS** the African Union Commission to prepare for the installation ceremony in close liaison with the Government of the Republic of Ghana as host;

**Extraordinary Summit**

9. **APPROVES** the recommendations of the AfCFTA Council of Ministers to have an Extraordinary Summit on 30 May 2020 to approve all instruments required for the start of trading under the AfCFTA on 1 July 2020. In this connection, the Assembly **WELCOMES and ENDORSES** the offer by the Government of the Republic of South Africa to host the Extraordinary Summit;

10. **REQUESTS** Ministers of Trade to prioritize AfCFTA Meetings in order to ensure quorums required to facilitate effective decision-making and further **DIRECTS** the Commission to convene the necessary meetings as per the 10th AMOT outcomes aimed at concluding the work on rules of origin, schedules of tariff concessions, and schedules of specific commitment on the five priority service sectors in order to meet the target of start of trading on 1 July 2020 as agreed by the Assembly at its 12th Extraordinary Session held in Niger, Niamey on 7 July 2019;
11. **DIRECTS** the AfCFTA Council of Ministers and relevant Policy Organs of the AU to finalize consideration of the Draft Organizational Structure, including the appropriate functions of the appointed directors and the adequate number of the Permanent Secretariat of the AfCFTA, and submit it to the Extraordinary Summit in May 2020, together with a supplementary budget and work programme, through the appropriate Policy Organs of the AU system;
12. **ALSO DIRECTS** the AfCFTA Council of Ministers and its subsidiary bodies to finalize any other outstanding work for its consideration at the Extraordinary Summit.

**Report of H.E. Mr. Issoufou Mahamadou, President of the Republic of Niger, the Leader of the AfCFTA**

13. **TAKES NOTE WITH APPRECIATION** of the Report of H.E. Mr. Issoufou Mahamadou, President of the Republic of Niger, the Leader of the AfCFTA, and **ADOPTS** the recommendations thereof on the progress achieved on the African Continental Free Trade Area (AfCFTA);
14. **COMMENDS** the role of all Member States, Council of Ministers, African Union Ministers of Trade and other AfCFTA Negotiating Institutions, the African Union Commission, Regional Economic Communities and the AU partners, on the significant progress made towards the implementation of the AfCFTA Agreement;
15. **CONGRATULATES** the Republic of Mauritius which became the twenty-eighth (28th) State Party following the deposit of its instruments of ratification of the AfCFTA Agreement with the Chairperson of the Commission in September 2019;

**Conclusion of Phase I of AfCFTA Negotiations on Trade in Goods, Services and Rules of Origin**

16. **URGES** that all outstanding work on Rules of Origin be finalized by the end of March 2020 to enable the finalization of tariff offers and to submit this work on Rules of Origin to the Extraordinary Summit in May 2020;
17. **ALSO CALLS UPON** Member States to finalize and submit to the Extraordinary Summit in May 2020:

- i) their Schedules of Tariff Concessions of 90%; and
- ii) their Schedules of Specific Commitments on the five priority services sectors;

**18. RECALLS** Decision Assembly/AU/Dec.714(XXXII) of February 2019 adopting the deadline of June 2020 for finalization of AfCFTA Negotiations and **URGES** Member States to submit their Schedules of Specific Commitments on the remaining Services Sectors and the Regulatory Cooperation Framework for Trade in Services by the said deadline;

#### **G-6 Reservations**

**19. WELCOMES WITH APPRECIATION**, the decision of the G6 countries (Ethiopia, Madagascar, Malawi, Sudan, Zambia and Zimbabwe) to withdraw their reservations in the interest and solidarity of the African continent and to join the rest of the States Parties in implementing the modalities on tariff liberalization.

#### **Status of Signature and Ratification of the AfCFTA Agreement**

**20. DIRECTS** the African Union Commission to continue its efforts to ensure the signature by all Member States before the end of April 2020, and **CALLS UPON** all African Union Member States who have not yet done so to ratify the Agreement Establishing the African Continental Free Trade Area before the start of trading under this Agreement on 1 July 2020.

#### **Preparedness for the Start of Trading Under the AfCFTA on 1 July 2020**

**21. DIRECTS** the Interim AfCFTA Secretariat to produce and distribute to all African Union Member States before the end of February 2020, a template for submitting reports on the state of national level preparations, and put in place before the end of April 2020, systems for monitoring trade flows in the AfCFTA, as well as capturing trade statistics.

#### **Phase II Negotiations and Beyond**

**22. DECIDES** to uphold the deadline of December 2020 for the conclusion of Phase II negotiations on investment, intellectual property rights and competition policy;

**23. FURTHER DECIDES** that Phase III Negotiations focuses on an AfCFTA Protocol on E-Commerce immediately after conclusion of Phase II Negotiations and

**DIRECTS** the African Union Commission to embark on preparations for the upcoming negotiations and mobilize resources during 2020 for capacity building for African trade negotiators to be involved in the negotiation of e-commerce legal instruments at the level of the African Continental Free Trade Area;

24. **URGES** Member States to critically review approaches that are being made to them by bilateral partners to enter into bilateral e-Commerce legal instruments with them in order to ensure that Africa is able to negotiate and implement an AfCFTA Protocol on e-Commerce where Africa has full authority on all aspects of e-commerce such as data and products being traded under e-commerce, and to promote the emergence of African owned e-Commerce platforms at national, regional and continental levels as part of our preparations for the negotiation of an AfCFTA Protocol on e-Commerce.

#### **Commemoration of Africa Integration Day and Popularization of the AfCFTA Vision**

25. **CALLS UPON** Member States to come up with commemorative activities to solemnly observe and celebrate the achievements of AfCFTA in the preceding year in line with the guidelines developed by the Interim AfCFTA Secretariat;
26. **URGES** Heads of State and Government of the African Union to make regular statements on how their countries are implementing the Agreement Establishing the African Continental Free Trade Area.

#### **Mobilization of the African Private Sector and Regional Economic Communities for Effective Implementation of the AfCFTA Agreement**

27. **REQUESTS** the Afro-Champions Initiative to work with African Ministers, especially those responsible for trade, finance, industry and development planning in the implementation of the Trillion Dollar Framework;
28. **ALSO REQUESTS** the Interim AfCFTA Secretariat and Regional Economic Communities to develop the Framework of Collaboration before the start of trading and submit a substantive progress report on the matter at the May 2020 Extraordinary Summit;
29. **FURTHER REQUESTS** the Ministers of Trade and Finance, in partnership with Afreximbank, to conclude the work on the AfCFTA Adjustment Facility during the course of 2020 and should bring to the February 2021 Summit, the draft statutes and resource mobilization plan and initiative for its consideration.

#### **Delegation of certain powers to the AfCFTA Council of Ministers**

30. **MANDATES** the AfCFTA Council of Ministers to expeditiously consider all technical matters pertaining to the implementation of the AfCFTA, and to submit to the Executive Council proposals that include financial and structural implications, and report to the Assembly for endorsement through appropriate policy structures of the AU system.

## **Building Momentum for Full, Timely and Effective Implementation of the AfCFTA Agreement**

- 31. DIRECTS** the Interim AfCFTA Secretariat to develop, as part of its handover package to the permanent AfCFTA Secretariat, a strategy paper on sustaining the momentum for full, timely and effective implementation of the AfCFTA Agreement which will be part of the report to the May 2020 Extraordinary Summit;
- 32. FURTHER DIRECTS** the Interim AfCFTA Secretariat to work closely with Member States, the Secretariats of the Regional Economic Communities and other relevant intergovernmental organizations active in this area on the continent, in order to enhance planning and coordination of activities and meetings and minimize the potential conflicts of dates and other overlaps;
- 33. CALLS UPON** the African Union Heads of State and Government to market the AfCFTA as an attractive and growing investment destination in their engagements with business leaders;
- 34. REQUESTS** the African Union Commission in collaboration with UNIDO, ECA and Afro-Champions, to organize a Summit on Africa's Industrialization and Economic Diversification during the Africa Industrialization Week;
- 35. TAKES NOTE** of the proposal by Ethiopia to host the 1st Expo of African produced products in energy, ICT, infrastructure and similar sectors, and requests Ethiopia to submit the Concept Note for consideration by the next Extraordinary Summit in May 2020.

## **Observer Status by States that are not Member States of the African Union**

- 36. DECIDES** that the AfCFTA shall not accept requests for observer status from States that are not Member States of the African Union.

## **Third Party Agreements**

- 37. DIRECTS** the Interim AfCFTA Secretariat to:
  - (a)** Continue to monitor developments concerning Third Party Agreements involving AfCFTA States Parties and report to the AU Summit;
  - (b)** Develop Reporting Guidelines and Templates for notification of Third Party Agreements in line with relevant provisions of the Agreement;
  - (c)** Include a Section on Third Party Agreements in the future Framework of Collaboration between the AfCFTA Secretariat, the AU Commission and the Regional Economic Communities; and
  - (d)** Submit to the next Council of Ministers of AfCFTA for consideration and adoption, the Reporting Guidelines and Templates for notification of Third

Party Agreements and the Framework of Collaboration between the AfCFTA Secretariat, the AU Commission and the Regional Economic Communities;

38. **REQUESTS** the AfCFTA Leader, H.E. Mr. Issoufou Mahamadou, President of the Republic of Niger, to submit a Progress Report on the AfCFTA at the Extraordinary Session of the Assembly, in May 2020.