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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 18.9.2008
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ANNEX 5 (FIRST PART)

**BETWEEN THE SADC EPA STATES, ON THE ONE PART, AND THE EUROPEAN
COMMUNITY AND ITS MEMBER STATES, ON THE OTHER PART**

**CUSTOMS DUTIES APPLICABLE ON IMPORTS INTO BOTSWANA, LESOTHO,
NAMIBIA AND SWAZILAND OF PRODUCTS ORIGINATING IN THE EC**

1. The tariff staging modalities in this Annex are set out under the assumption that the reference date for tariff reduction is 1 January 2008. This reference date shall not be affected by any delay in the actual entry into force of this Agreement¹.
2. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland of products originating in the Community listed in Table 1 categorized as **List 1** are eliminated upon the entry into force of this Agreement.
3. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland of products originating in the Community listed in Table 1 categorized as **Agriculture List 2** shall be gradually eliminated in accordance with the following schedule:
 - on the date of entry into force of this Agreement, each duty shall be reduced to 50 per cent of the basic duty;
 - one year after the date of entry into force of this Agreement, each duty shall be reduced to 25 per cent of the basic duty;
 - two years after the date of entry into force of this Agreement, the remaining duties shall be abolished.
4. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland of products originating in the Community listed in Table 1 categorized as Fish List 2 shall be gradually eliminated in accordance with the following schedule:
 - on the date of entry into force of this Agreement, each duty shall be reduced to 83 per cent of the basic duty,
 - one year after the date of entry into force of this Agreement, each duty shall be reduced to 67 per cent of the basic duty,
 - two years after the date of entry into force of this Agreement, each duty shall be reduced to 50 per cent of the basic duty,
 - three years after the entry into force of this Agreement, each duty shall be reduced to 33 per cent of the basic duty,
 - four years after the entry into force of this Agreement, each duty shall be reduced to 17 per cent of the basic duty,
 - six years after the date of entry into force of this Agreement, the remaining duties shall be abolished.

¹ Relating to the tariff reduction under paragraph 3, for example, if the Agreement were to enter into force during the course of 2008, the first step of tariff reduction would be made on the actual date of entry into force of the Agreement, the second would be made on 1 January 2009, i.e. as if the agreement had actually entered into force on 1 January 2008. As another example, if the agreement were to enter into force in the course of 2009, at the entry into force each duty shall be reduced to 25 per cent of the basic duty

5. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland of products originating in the Community listed in Table 1 categorized as **Agriculture List 3** shall be gradually eliminated in accordance with the following schedule:
 - on the date of entry into force of this Agreement, each duty shall be reduced to 50 per cent of the basic duty;
 - one year after the date of entry into force of this Agreement, each duty shall be reduced to 38 per cent of the basic duty;
 - two years after the date of entry into force of this Agreement, each duty shall be reduced to 25 per cent of the basic duty;
 - three years after the date of entry into force of this Agreement, each duty shall be reduced to 13 per cent of the basic duty;
 - four years after the date of entry into force of this Agreement, the remaining duties shall be abolished.

6. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland of products originating in the Community listed in Table 1 categorized as **Industry List 3** shall be gradually eliminated in accordance with the following schedule:
 - on the date of entry into force of this Agreement, each duty shall be reduced to 40 per cent of the basic duty;
 - one year after the date of entry into force of this Agreement, each duty shall be reduced to 30 per cent of the basic duty;
 - two years after the date of entry into force of this Agreement, each duty shall be reduced to 20 per cent of the basic duty;
 - three years after the date of entry into force of this Agreement, each duty shall be reduced to 10 per cent of the basic duty;
 - four years after the date of entry into force of this Agreement, the remaining duties shall be abolished.

7. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland of products originating in the Community listed in Table 1 categorized as **Fish List 3** shall be gradually eliminated in accordance with the following schedule:
 - on the date of entry into force of this Agreement, each duty shall be reduced to 90 per cent of the basic duty;
 - one year after the date of entry into force of this Agreement, each duty shall be reduced to 80 per cent of the basic duty;
 - two years after the date of entry into force of this Agreement, each duty shall be reduced to 70 per cent of the basic duty;

- three years after the date of entry into force of this Agreement, each duty shall be reduced to 60 per cent of the basic duty;
 - four years after the date of entry into force of this Agreement, each duty shall be reduced to 50 per cent of the basic duty;
 - five years after the date of entry into force of this Agreement, each duty shall be reduced to 40 per cent of the basic duty;
 - six years after the date of entry into force of this Agreement, each duty shall be reduced to 30 per cent of the basic duty;
 - seven years after the date of entry into force of this Agreement, each duty shall be reduced to 20 per cent of the basic duty;
 - eight years after the date of entry into force of this Agreement, each duty shall be reduced to 10 per cent of the basic duty;
 - nine years after the date of entry into force of this Agreement, the remaining duties shall be abolished.
8. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland on products originating in the Community listed in Table 1 categorized as **Agriculture List 4** are excluded from any of the regimes of tariff phase-down contained in this Annex.
9. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland on products originating in the Community listed in Table 1 categorized as **Industry List 4** shall be gradually eliminated in accordance with the following schedule:
- on the date of entry into force of this Agreement each duty shall be reduced to 50 per cent of the basic duty;
 - one year after the date of entry into force of this Agreement each duty shall be reduced to 38 per cent of the basic duty;
 - two years after the date of entry into force of this Agreement each duty shall be reduced to 25 per cent of the basic duty;
 - three years after the date of entry into force of this Agreement each duty shall be reduced to 13 per cent of the basic duty;
 - four years after the date of entry into force of this Agreement the remaining duties shall be abolished.
10. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland on products originating in the Community listed in Table 1 categorized as **List 5: regime 1** shall be frozen at the 2007 TDCA rate.

11. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland on products originating in the Community listed in Table 1 categorized as **List 5: regime 2** shall be gradually eliminated in accordance with the following schedule:
- three years after the date of entry into force of this Agreement, each duty shall be reduced to 80 per cent of the basic duty²;
 - four year after the date of entry into force of this Agreement, each duty shall be reduced to 60 per cent of the basic duty;
 - five years after the date of entry into force of this Agreement, each duty shall be reduced to 40 per cent of the basic duty;
 - six years after the date of entry into force of this Agreement, each duty shall be reduced to 20 per cent of the basic duty;
 - seven years after the date of entry into force of this Agreement, the remaining duties shall be abolished.
12. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland on products originating in the Community listed in Table 1 categorized as **List 5: regime 3** shall be gradually eliminated in accordance with the following schedule:
- three years after the date of entry into force of this Agreement each duty shall be reduced to 87% of the basic duty;
 - four years after the date of entry into force of this Agreement each duty shall be reduced to 75% of the basic duty;
 - five years after the date of entry into force of this Agreement each duty shall be reduced to 62% of the basic duty;
 - six years after the date of entry into force of this Agreement each duty shall be reduced to 50% of the basic duty;
 - seven years after the date of entry into force of this Agreement each duty shall be reduced to 37% of the basic duty;
 - eight years after the date of entry into force of this Agreement each duty shall be reduced to 25% of the basic duty;
 - nine years after the date of entry into force of this Agreement each duty shall be reduced to 12% of the basic duty;
 - ten years after the date of entry into force of this Agreement the remaining duties shall be abolished.

² The term “basic duty” is defined in paragraphs 3 and 4 of Article 5 of Part II of the EC-SADC Economic Partnership Agreement

13. Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland on products originating in the Community listed in Table 1 categorized as **Industrial List 5** shall be applied according to the following schedule:

Explanatory Notes	Year 1 (2008)	Year 2 (2009)	Year 3 (2010)	Year 4 (2011)	Year 5 (2012)	Year 6 (2013)	1.1.1. (2014)	Year 8 (2015)
Footwear and Leather 1	10							
Footwear and Leather 2	20							
Motor 1	11							
Motor 2	15	13	12	10				
Motor 3	6							
Motor 4	13	12	11	10				
Motors partial 1	Minus 5pp ³	Minus 5pp	Minus 5pp	Minus 5pp	Minus 5pp	Minus 5pp	Minus 5pp	Minus 5pp
Motors partial 2	Minus 5pp	Minus 5pp	Minus 5pp	Minus 5pp	Minus 5pp	Minus 5pp	Minus 5pp	Minus 5pp
Motors partial 3	22	21	20	19	18			
Motors partial 4	12							
Motors partial 5	15							
Motors partial 6	24	22	20	19	18			
Textiles clothing	20 ⁽¹⁾							
Textiles – fabrics	10 ⁽¹⁾							
Textiles household	15 ⁽¹⁾							
Textiles – yarns	5 ⁽¹⁾							
Tyres 1	15							

³ Percentage points

Explanatory Notes	Year 1 (2008)	Year 2 (2009)	Year 3 (2010)	Year 4 (2011)	Year 5 (2012)	Year 6 (2013)	1.1.1. (2014)	Year 8 (2015)
Tyres 2	10							
Tyres 3	10							
Tyres 4	15							
⁽¹⁾ From year [...] SACU would provide imports from the Community with a preference margin of at least 40 per cent compared to MFN applied rates.								

Customs duties on imports into Botswana, Lesotho, Namibia and Swaziland on products originating in the Community listed in Table 1 categorized as **Industry List 6** are excluded from any of the regimes of tariff phase-down contained in this Annex.