



Committee on Regional Trade Agreements

FACTUAL PRESENTATION

INTERIM ECONOMIC PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN UNION AND THE
ESA STATES (MADAGASCAR, MAURITIUS, SEYCHELLES AND ZIMBABWE)
(GOODS)

Report by the Secretariat

This report, prepared for the consideration of the Interim Economic Partnership Agreement between the European Union and the ESA States (Madagascar, Mauritius, Seychelles and Zimbabwe), has been drawn up by the WTO Secretariat on its own responsibility and in full consultation with the Parties. The factual presentation reproduces as closely as possible the terminology used in the Agreement and in the comments provided and does not imply official endorsement or acceptance by the Secretariat of such terminology. The report has been drawn up in accordance with the rules and procedures contained in the Decision for a Transparency Mechanism for Regional Trade Agreements (WT/L/671) and thus does not imply any value judgement by the Secretariat regarding the contents of the Agreement.

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Key Facts	
Parties to the Agreement:	Madagascar, Mauritius, Seychelles, Zimbabwe and the European Union
Date of Signature:	29 August 2009
Date of Entry into Force:	14 May 2012 (provisional application prior to the completion of ratification by all signatory parties)
Date of Notification:	27 July 2012
Full implementation:	1 January 2022

1 TRADE ENVIRONMENT¹

1.1. The Interim Agreement establishing a Framework for an Economic Partnership Agreement (hereinafter "the Agreement") between the EU and the Eastern and Southern African (ESA) States is the EU's 25th RTA notified² to the WTO. Among the ESA States for whom the Agreement is in force, for Madagascar it is the 2nd RTA notified, for Mauritius the 3rd RTA, the first for the Seychelles and the 4th for Zimbabwe; the other ESA States the Comoros and Zambia, did not sign the Agreement although discussions with the Comoros on signature are continuing.

1.2. The EU is the world's second largest merchandise trader (excluding intra-EU trade) both in exports and imports with exports valued at 2,415 billion euros and imports at 2,188 billion euros in 2013. Among the ESA States the largest trader is Mauritius, ranked 97th in the world in terms of global exports and 99th in imports, followed by Zimbabwe, ranked 98th in world exports and 108th in imports. Madagascar is ranked as the world's 107th exporter and 117th importer of merchandise, while the Seychelles was the world's 138th and 140th exporter and importer respectively.

1.3. Trade with the European Union is important for the economies of the ESA States. In 2014 the European Union was the largest destination for merchandise exports from three of the four ESA States (Mauritius, 49.1% of its exports, Madagascar, 49.8% and the Seychelles, 59.3%). It is the third largest export destination for Zimbabwe (5% of its exports). In 2014 the EU was the largest source of merchandise imports for the Seychelles (33.6% of its imports), second largest for Mauritius (20.8%) and Madagascar (15.6%) and third largest for Zimbabwe (albeit representing only 8.6% of its imports). For the EU Mauritius is the 75th largest source of imports, followed by Madagascar at 78th, Zimbabwe at 91 and Seychelles at 109th large source of imports. In terms of EU exports, Mauritius is its 91st largest merchandise export market, followed by Madagascar (112), Seychelles (136) and Zimbabwe (139).

1.4. In terms of structure, while the European Union's exports and imports are dominated by manufactured goods, with the exception of Mauritius whose exports of manufactures account for over 68% of total merchandise exports in 2015 and to some extent Madagascar (29% of exports), agriculture and fuels and mining form a more important share of total exports for the ESA States. Agriculture accounts for 29% of total merchandise exports for Madagascar, 43% for Zimbabwe and as much as 61% for the Seychelles, while fuels and mining exports are important for Madagascar (35%). Imports by the ESA States are dominated by manufactured products, at around 55% of total imports.

1.5. Charts 1.1a and 1.1b show global and bilateral merchandise trade between the EU and the ESA States between 2002 and 2014. The EU has, for much of the period, had a trade deficit in its global exports, which widened steadily between 2004 and 2008. Since 2009 trade has been more balanced. With regards to its ESA partners, however, with the exception of the Seychelles, the EU

¹ Unless otherwise indicated, the data in the Section are based on the WTO Tariff and Trade Profiles and UNSD Comtrade Database.

² Notifications of successive EU enlargements are excluded.

has maintained a deficit in its trade; the deficit with the Seychelles declined between 2002 and 2006 before moving into surplus until 2013 since when it has been in deficit again. All the ESA parties have also maintained deficits in their global trade during the period; Zimbabwe's trade in particular has been volatile.

Chart 1.1a European Union, bilateral trade with ESA States (Madagascar, Mauritius, Seychelles, Zimbabwe) and trade with world, 2002-2014

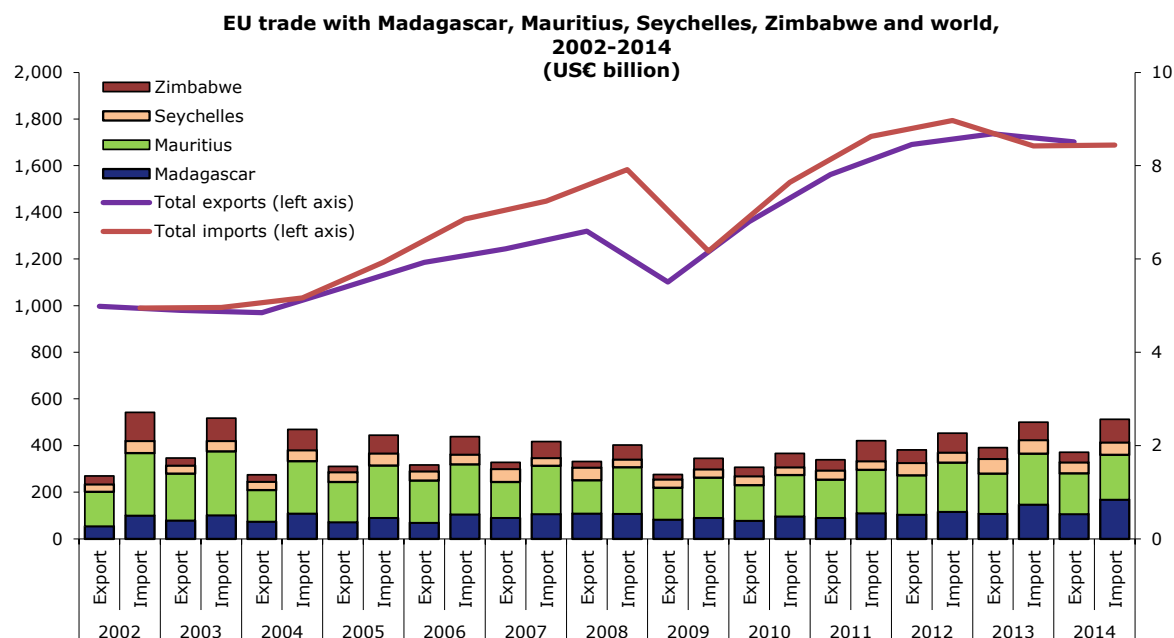
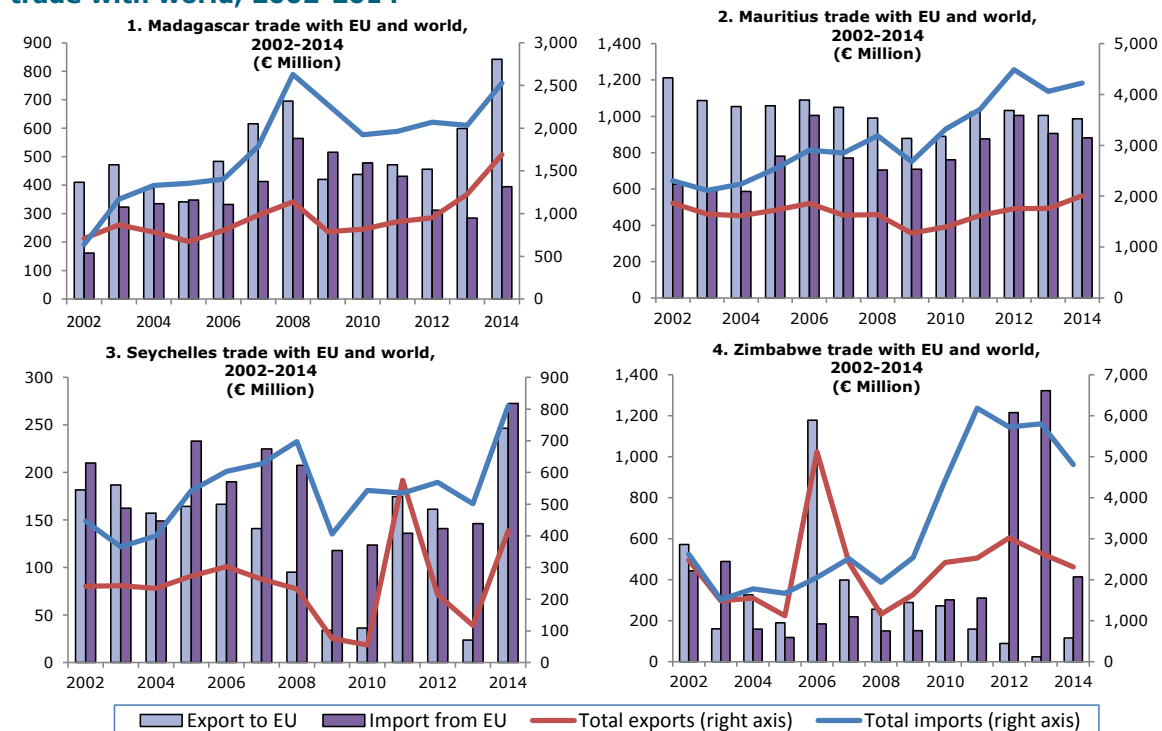


Chart 1.1b Eastern and Southern African States, bilateral trade with European Union and trade with world, 2002-2014

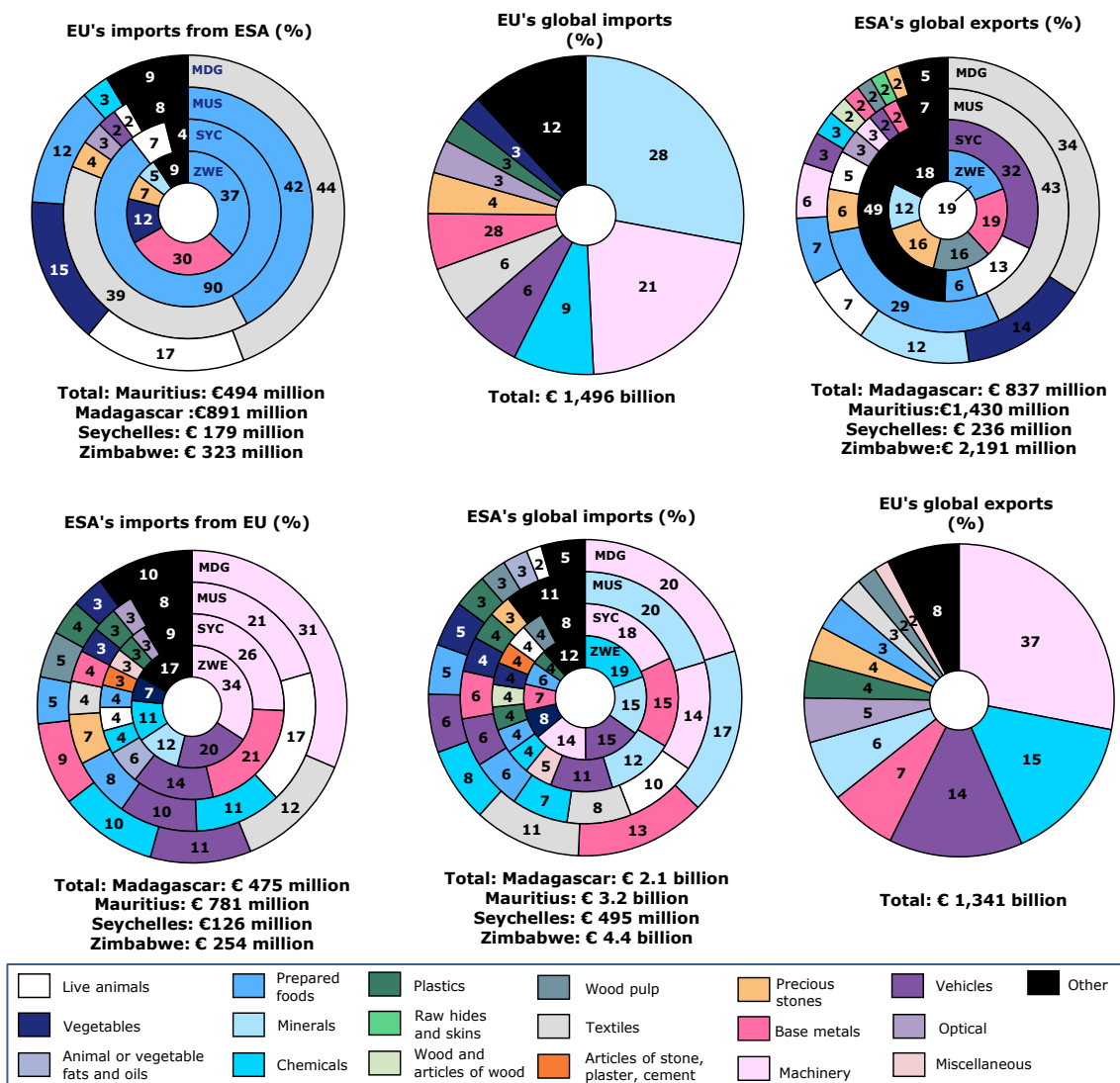


Note: Mirror data used for Zimbabwe's bilateral trade for 2003.

Source: UNSD, Comtrade database, Eurostat and WTO Statistics database (Zimbabwe trade with world for 2003) and Seychelles authorities (2009-2013).

1.6. Chart 1.2 shows the commodity structure of trade among the Parties, as well as of their imports and exports to the world in the period 2009-11, on the basis of Harmonized System (HS) sections. Over this period, the EU's four largest export product categories – machinery, chemicals, vehicles and base metals – made up 73% of its total exports and accounted for 61% of Madagascar's imports from the EU; 46% of Mauritius's imports from the EU; 65% of Seychelles' and Zimbabwe's imports from the EU. Other key imports by the ESA States from the EU include textiles by Madagascar (12% of total imports), live animal products by Mauritius (17%), while base metals were not a significant import by Zimbabwe. Over the same period, the five largest export product categories from Madagascar – textiles, vegetable products, minerals, animal products, and prepared foods – made up 74% of its total exports and accounted for 89% of the EU's imports from Madagascar. The two largest export categories from Mauritius – textiles and prepared foods - made up 72% of its total exports and accounted for 81% of the EU's imports from Mauritius. However, the structure of exports for the Seychelles and Zimbabwe is different globally and with regard to the EU. While the two largest export categories from the Seychelles – textiles and live animals - made up 81% of its total exports, 90% of the EU's imports from the Seychelles were in prepared foods (fish and fisheries products), while of the four largest export categories from Zimbabwe which made up 70% of its total exports, only textiles and base metals (67%) were key EU imports.

Chart 1.2 EU-ESA (Madagascar, Mauritius, Seychelles, Zimbabwe): product composition of merchandise trade, annual average (2009-2011)



Legend: **MDG** - Madagascar; **MUS** - Mauritius; **SYC** - Seychelles; **ZWE** - Zimbabwe.

Source: UNSD, Comtrade database.

2 CHARACTERISTIC ELEMENTS OF THE AGREEMENT

2.1 Background Information

2.1. The Agreement was signed by the Parties on 29 August 2009 and provisionally applied since 14 May 2012. It was notified to the WTO on 27 July 2012 under Article XXIV:7 of the GATT 1994 and its Understanding.³ The Agreement aims to contribute to the reduction and eventual eradication of poverty through a strengthened and strategic trade and development partnership consistent with the objective of sustainable development, the Millennium Development Goals and the Cotonou Agreement. Other goals of the Agreement include: to promote regional integration, economic cooperation and good governance in the ESA region and its gradual integration into the world economy; structural adjustment of the ESA economies and diversification; and improved trade policy and trade related capacity (Article 2). Article 3 aims to establish an agreement consistent with GATT Article XXIV and to establish the framework, scope and principles for further negotiations on the basis of proposals already submitted and for potential negotiations on other issues as identified in the Cotonou Agreement and of interest to the Parties.

2.2. Article 4 of the Agreement permits ESA LDCs that have not yet submitted tariff reduction offers to do so after signature of the Interim Agreement on the same or flexible conditions and to benefit fully from its provisions. In addition to Zambia and the Comoros, who have made offers (as in Annex II) but have not yet signed the Agreement, the ESA LDCs are Ethiopia, Djibouti, Eritrea, Sudan and Malawi, none of whom have submitted a market access offer yet. All ESA States are eligible to accede to the Agreement (Article 66). Furthermore, the Agreement permits the ESA States to maintain regional preferences among themselves and other African countries and regions with no obligations to extend them to the EU.

2.3. The Agreement contains six Chapters and four annexes and two protocols all of which form an integral part of the Agreement (Box 2.1 below).

Box 2.1 Structure of the Agreement

Chapter I	General provisions
Chapter II	Trade Regime for Goods
Title I	General Provisions
Title II	Free movement of goods
Title III	Non-tariff measures
Title IV	Trade defence measures
Title V	Administrative provisions
Chapter III	Fisheries
Title I	General provisions
Title II	Marine fisheries
Title III	Inland fisheries and aquaculture development
Chapter IV	Economic and development cooperation
Title I	General provisions
Title II	Private sector development
Title III	Infrastructure
Title IV	Natural resources and environment
Chapter V	Areas for further negotiations
Chapter VI	Dispute avoidance, Settlement, Institutional, General and Final Provisions
Title I	Dispute avoidance and settlement
Title II	General exceptions

³ WTO document WT/REG307/N/1, dated 10 February 2012 and WTO document WT/REG307/N/1/Add.1, dated 30 July 2012.

Title III	Institutional, general and final provisions
Annexes	
Annex I	Customs duties on products originating in ESA States
Annex II	List of ESA States taking commitments under Chapter II and customs duties on products originating in EU States into the signatory ESA States
Annex III	ESA States exceptions on duties, taxes on exports, national treatment on internal taxation and regulation
Annex IV	Development matrix
Protocols	
Protocol 1	Concerning the definition of the concept of "originating products" and methods of administrative cooperation
Protocol 2	Mutual administrative assistance in customs matters

Source: The Agreement.

2.4. The text with its annexes and protocols is available on the parties' websites.⁴

2.5. Chapter V of the Interim Agreement contains a rendez-vous clause to build on the Cotonou Agreement and continue negotiations to conclude a full and comprehensive EPA covering the following areas: customs and trade facilitation; outstanding trade and market access issues, including rules of origin and other related issues and trade defence measures, including outermost regions; technical barriers to trade and sanitary and phytosanitary measures; trade in services; trade related issues (competition policy; investment and private sector development; trade, environment and sustainable development; intellectual property rights; and transparency in public procurement); agriculture; current payments and capital payments; development issues; cooperation and dialogue on good governance in the tax and judicial area; an elaborated dispute settlement mechanism, institutional arrangements; and any other areas that the Parties find necessary, including consultations under Article 12 of the Cotonou Agreement.⁵

3 PROVISIONS ON TRADE IN GOODS

3.1 Import duties and charges, and quantitative restrictions

3.1.1 General provisions

3.1. Chapter II of the Agreement covers trade in goods. The Agreement aims to provide full duty free⁶ and quota free market access into the EU for goods originating in the ESA States on a secure, long term and predictable basis (Article 5). It also aims to promote trade between the parties and export led growth to enable the integration of the ESA economies into the global economy; to progressively and gradually liberalize the ESA goods market as established by the Agreement; and to preserve and improve market access conditions to ensure that all ESA States are better and not worse off.

3.2. The commitment to liberalize trade in goods only applies to the signatory ESA States listed in Annex II to the Agreement and to the EU market vis a vis these States. If a signatory ESA State not mentioned in Annex II wishes to join Chapter II, it shall notify its intention to the EPA Committee (see below) which has the competence to amend Annex II and may decide on any

⁴ For the EU: http://trade.ec.europa.eu/doclib/docs/2010/november/tradoc_147042.pdf and <http://eur-lex.europa.eu/legal-content/EN/TX/PDF/?url=OJ:L:2012:111:FULL&from=EN>.

⁵ Article 12 of the Cotonou Agreement concerns Coherence of Community Policies and their impact on the Implementation of the Agreement.

⁶ Customs duties are defined by Article 7 as a duty or a charge of any kind imposed on or in connection with the import of goods, including any form of surtax or surcharge in connection with such import, but not include charges equivalent to internal taxes levied on both imported and locally produced goods consistent with the provisions of Article 18 (national treatment on internal taxation and regulation); anti-dumping or countervailing duties applied in accordance with the provisions of Article 19 (anti-dumping and countervailing measures) and safeguard measures applied in accordance with Article 21 (bilateral safeguard measures); and fees or other charges levied in accordance with the provisions on Article 10 (fees and other charges).

transitional measures or amendments necessary to facilitate the inclusion of the State under Annex II.

3.3. Tariff reductions are to be applied successively on the basic customs duty indicated in the Parties' tariff schedules to the Agreement. The EU implemented its commitments upon entry into force of the Agreement (2012), while the ESA States will eliminate tariffs in stages by 2022. Fees and charges under Article 10 shall be limited to the approximate cost of services rendered and shall not represent an indirect protection for domestic products or a taxation of imports for fiscal purposes; they will be based on specific rates. Under Annex III the Seychelles had maintained price controls on imports as an exception for 10 years on national treatment on internal taxation and regulation; Seychelles has however indicated that with the promulgation of the Customs Management (Tariff and Classification of Goods) Regulations 2013, it has abolished the price control regime.

3.4. The Parties also agree not to increase their applied customs duties on products imported from the other Party (Article 14). Article 16, furthermore, commits the European Union to accord to signatory ESA States any more favourable treatment applied as a result of its free trade agreements with third parties after the signature of the Agreement.⁷ With regard to the subjects covered by the Agreement, the signatory ESA States will accord to the EU any more favourable treatment applied as a result of any new free trade agreement with any major trading economy after signing the Agreement.⁸ However, the Chapter does not oblige the Parties to extend reciprocally any preferential treatment provided by any Party to third parties through a free trade agreement on the date of signature of the Agreement. The commitments to provide favourable treatment to the EU will also not apply in respect of trade agreements they have with other African countries and regions.

3.5. Article 17 prohibits quantitative prohibitions and restrictions on imports between the Parties, other than customs duties, taxes, fees and other charges under Article 7, whether through quotas, import licences or other measures. These shall be eliminated upon the entry into force of the Agreement and no new measures shall be introduced. National treatment shall also be provided for imported products originating in the other Party, which shall not be subject either directly or indirectly to internal taxes or other internal charges of any kind in excess of those applied, directly, or indirectly, to like national products. The Parties will also not apply internal taxes or other internal charges that afford protection to national production (Article 18). Imported products originating in the other Party will be accorded treatment no less favourable than that accorded to like national products in respect of all laws, regulations and requirements affecting their internal sale, offering for sale, purchase, transportation, distribution or use. No Party may establish or maintain any internal quantitative regulation for the mixture, processing or use of products in specified amounts or proportions which requires, directly or indirectly, that any specified amount or proportion of any products which is the subject of the regulation must be supplied from domestic sources. No internal quantitative regulations may be applied so as to afford protection to national production. Article 18, however, does not prevent the payment of subsidies exclusively to national producers, including payments derived from the proceeds of internal taxes or charges applied consistently with the provisions of the Article and subsidies effected through government purchases of national products. The EPA Committee may also authorize a signatory ESA State to depart from the provisions of Article 18 to promote the establishment of domestic production and protect infant industries. In this respect the development needs of signatory ESA States and especially the needs and concerns of ESA LDCs will be taken into account. Annex III lists provisional derogations which are granted to the interested signatory ESA States for the periods of time indicated in the Annex.

⁷ Free trade agreement under Article 16 is defined as "an agreement substantially liberalising trade and providing for the absence or elimination of substantially all discrimination between or among parties thereto through the elimination of existing discriminatory measures and/or the prohibition of new or more discriminatory measures, either at the entry into force of that agreement or on the basis of a reasonable time-frame (Article 16, paragraph 5)."

⁸ Major trading economy is defined by Article 16 as "any developed country, or any country accounting for a share of world merchandise exports above 1 per cent in the year before the entry into force of the free trade agreement, or any group of countries acting individually, collectively or through a free trade agreement accounting collectively for a share of world merchandise exports above 1.5 per cent in the year before the entry into force of the free trade agreement. For the calculation of these shares of merchandise trade, official data by the WTO on leading exporters in world merchandise trade (excluding intra-EU trade) shall be used.

3.1.2 Liberalization of trade and tariff lines

3.6. Annex I to the Agreement states that the EU will eliminate tariffs on all products of HS Chapters 1-97 except Chapter 93 (arms and ammunition), originating in an ESA State, upon entry into force of the Agreement. Chapter 93 will remain subject to the MFN rate of duty. The EU eliminated duties on products under HS 1006 from 1 January 2010 with the exception of HS 10061010, for which duties were eliminated upon entry into force of the Agreement. Sugar imports from the ESA were subject to the provisions of Protocol 3 of the Cotonou Agreement until 30 September 2009 (Section 3.5.1 below).

3.7. Table 3.1 below shows the EU's tariff elimination commitments under the Agreement for imports from Madagascar, Mauritius, Seychelles and Zimbabwe, while Tables 3.2-3.5 show commitments by Madagascar, Mauritius, Seychelles and Zimbabwe, respectively, for imports from the EU. In addition Annex I shows further details about tariff liberalization by the Parties.

3.8. In 2012, since when the Agreement has been applied, around a quarter (24.6%) of the EU's tariff was duty free on an MFN basis.⁹ This corresponded to an average of 17.2% of its imports from Madagascar, 8.5% from Mauritius, 5.3% from the Seychelles and 24.5% from Zimbabwe for the period immediately preceding entry into force (2009-2011). As of 2012, a further 7,058 lines were liberalized by the EU for imports from these ESA Parties, with 18 lines (0.2% of the tariff) remaining dutiable. As a result of the liberalization, 100% of EU imports from the ESA States during 2009-11 are covered and entered the EU market free of duty.

Table 3.1: EU Tariff elimination commitments under the Agreement and corresponding average trade

Duty phase-out period	No. of lines	% of total lines in EU's tariff schedule	Value of EU imports € million	% of EU imports	Value of EU imports € million	% of EU imports	Value of EU imports € million	% of EU imports	Value of EU imports € million	% of EU imports
			Madagascar		Mauritius		Seychelles		Zimbabwe	
			(2009-2011)							
MFN duty free (2012)	2,307	24.6	75.5	17.2	74.0	8.5	9.4	5.3	78.5	24.5
2012	7,058	75.2	363.6	82.8	792.2	91.5	168.0	94.7	241.3	75.5
Remain dutiable	18	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total	9,383	100.0	439.1	100.0	866.2	100.0	177.4	100.0	319.7	100.0

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the EU authorities and WTO-IDB.

3.9. Tables 3.2-3.5 show tariff elimination under the Agreement by the ESA Parties for imports from the EU. According to Annex II to the Agreement, tariff elimination by the ESA Parties began in 2013 and is expected to be completed by 2022.

3.10. As shown by Table 3.2 6% (391 lines) of Madagascar's tariff was duty free for imports on an MFN basis in 2014, corresponding to 10.5% of its imports from the EU during 2011-2013.¹⁰ In 2014 Madagascar liberalized 1,331 lines (20.5% of the tariff) for imports from the EU, corresponding to 26.7% of its EU imports during 2011-2013. The remainder of its tariff liberalization is to take place in 2022 with 3,972 lines expected to be liberalized in that year; these correspond to 52.4% of Madagascar's imports during 2011-2013 from the EU. At the end of implementation, Madagascar will maintain tariffs on 812 lines (12.5% of the tariff) for imports from the EU, corresponding to 10.4% of its imports from the EU during 2011-2013.

⁹ In 2012, the EU's MFN applied tariff consisted of 9,383 lines at the HS eight-digit level (HS 2012 nomenclature). Of these, 8,372 lines or 89.2% of the tariff carried *ad valorem* rates of duty; 581 lines had specific rates of duty, while 217 lines and 90 lines respectively had compound and mixed rates of duty. Around 1.2% of EU tariffs (116 lines) had other rates of duty.

¹⁰ In 2014 Madagascar's MFN applied tariff consisted of 6,506 lines at the HS eight-digit level (HS 2012 nomenclature) all of which have *ad valorem* rates of duty.

Table 3.2: Madagascar
Tariff elimination commitments under the Agreement and corresponding average trade

Duty phase-out period	Number of lines	% of total lines in Madagascar's tariff schedule	Value of Madagascar's imports from EU € million 2011-2013	% of Madagascar's total imports from EU 2011-2013
MFN duty free (2014)	391	6.0	67.9	10.5
2014	1,331	20.5	172.7	26.7
2022	3,972	61.1	338.9	52.4
Remain dutiable	812	12.5	67.6	10.4
Total	6,506	100.0	647.1	100.0

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the Madagascar authorities, WTO-IDB and UNSD, Comtrade database.

3.11. As shown by Table 3.3, in 2012 88.6% of Mauritius's MFN applied tariff was duty free for imports from all sources, corresponding to 93.7% of its total average annual imports from the EU during 2009-11.¹¹ Under the Agreement in 2013 Mauritius liberalized tariffs on an additional 35 lines for imports from the EU, corresponding to 0.6% of its imports from the EU during 2009-11. Further liberalization took place in 2017 (45 lines, corresponding to 0.5% of imports from the EU during 2009-11) and scheduled for 2022 (526 lines which accounted for 3% of Mauritius' imports from the EU during 2009-11). Once the Agreement is fully implemented, Mauritius will maintain tariffs on 110 tariff lines (1.8% of the tariff), corresponding to 2.2% of its imports from the EU during 2009-11.

Table 3.3: Mauritius
Tariff elimination commitments under the Agreement and corresponding average trade

Duty phase-out period	Number of lines	% of total lines in Mauritius' tariff schedule	Value of Mauritius' imports from EU € million 2009-2011	% of Mauritius' total imports from EU 2009-2011
MFN duty free (2012)	5,550	88.6	728.9	93.7
2013	35	0.6	5.0	0.6
2017	45	0.7	3.5	0.5
2022	526	8.4	23.6	3.0
Remain dutiable	110	1.8	17.0	2.2
Total	6,266	100.0	778.0	100.0

Note: Covers HS chapters 1-97.
Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the Mauritius authorities and WTO-IDB.

3.12. Seychelles started to implement its commitments under the Agreement in February 2013. In 2013 around 84.3% of its tariff (4,686 lines) were already duty free on an MFN basis and corresponded to 93.7% of Seychelles imports from the EU during 2010-2012 (Table 3.4).¹² In 2013 tariffs on a further 180 lines were eliminated for imports from the EU, corresponding to 0.9% of imports from the EU during 2010-2012. Further liberalization took place in 2017 (88 lines), and is scheduled for 2022 (345 lines). At the end of implementation, Seychelles will maintain tariffs on 257 lines (4.63%) of the tariff, corresponding to 3.2% of its imports in 2010-2012 from the EU.

¹¹ In 2012, Mauritius' MFN applied tariff consisted of 6,266 lines at the HS eight-digit level (HS 2012 nomenclature). Of these, 5,963 (95.16%) lines had *ad valorem* rates of duty; all of the remaining 303 lines had specific rates of duty.

¹² In 2013 Seychelles' MFN applied tariff consisted of 5,556 lines at the HS eight-digit level (HS 2007 nomenclature). Of these, 99.96% had *ad valorem* duties, with 1 line each with specific and mixed duties.

**Table 3.4: Seychelles
Tariff elimination commitments under the Agreement and corresponding average trade**

Duty phase-out period	Number of lines	% of total lines in Seychelles' tariff schedule	Value of Seychelles' imports from EU € million 2010-2012	% of Seychelles' total imports from EU 2010-2012
MFN duty free (2013)	4,686	84.34	124.1	93.7
2013	180	3.24	1.2	0.9
2017	88	1.58	0.8	0.6
2022	345	6.21	2.1	1.6
Remain dutiable	257	4.63	4.2	3.2
Total	5,556	100.0	132.4	100.0

Note: Based on the HS 2007 nomenclature.

Source: WTO estimates based on data submission from the Seychelles authorities.

3.13. In 2012 Zimbabwe provided duty free access for 663 lines (10.8% of the tariff) on an MFN basis (Table 3.5).¹³ This corresponded to 33.2% of its total average annual imports from the EU during 2014-2016. Under the Agreement Zimbabwe liberalized a further 37.7% of the tariff (2,307 lines) for the EU in 2012, corresponding to 20.5% of its imports from the EU during 2014-16. A further 2,284 tariff lines are due to be liberalized in 2022, following ten years of implementation, and corresponding to 30.1% of Zimbabwe's imports from the EU during 2014-16. Once the Agreement is fully implemented, Zimbabwe will maintain duties on 14.2% of its tariffs (868 lines) for imports from the EU; these correspond to 16.2% of its imports from the EU in 2014-16.

Table 3.5: Zimbabwe Tariff elimination commitments under the Agreement and corresponding average trade

Duty phase-out period	Number of lines	% of total lines in Zimbabwe's tariff schedule	Value of Zimbabwe's imports from EU € million 2014-2016	% of Zimbabwe's total imports from EU 2014-2016
MFN duty free (2012)	663	10.8	102.7	33.2
2012	2,307	37.7	63.2	20.5
2022	2,284	37.3	93.1	30.1
Remain dutiable	868	14.2	49.9	16.2
Total	6,122	100.0	309.0	100.0

Exchange rates EUR per USD used in the calculations are: 0.754 (2014), 0.902 (2015) and 0.904 (2016).

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the Zimbabwe and EU authorities; WTO-IDB.

3.1.3 Liberalization schedule

3.14. A more detailed breakdown of the Parties' liberalization schedules by HS Section is shown in Tables 3.6-3.10 and Charts 3.1 and 3.2 below.

3.1.3.1 European Union

3.15. Table 3.6 and Chart 3.1 below shows liberalization by the EU under the Agreement. The EU liberalized in 2012, upon entry into force of the Agreement, all tariffs except those in HS Section XIX. The eighteen lines are all found in HS Chapter 93 (arms and ammunition) for which the average applied MFN and preferential rate in 2012 was 2.7%.

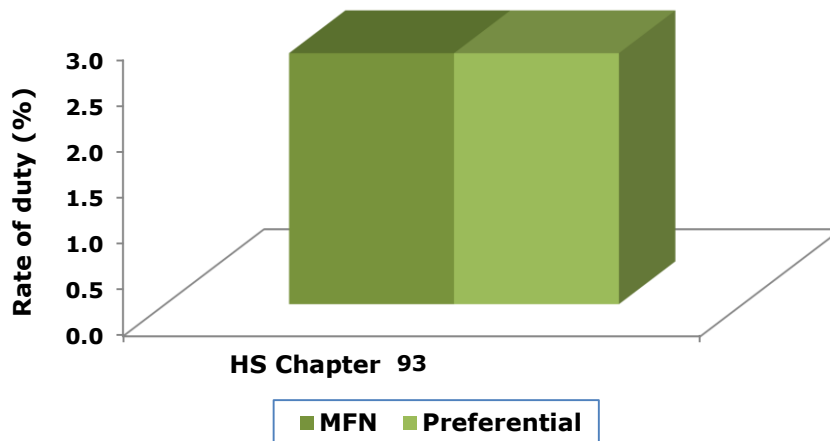
¹³ In 2012, Zimbabwe's MFN applied tariff consisted of 6,122 lines at the HS eight-digit level (HS 2012 nomenclature). Of these, 93.63% or 5,732 lines had *ad valorem* rates of duty. Around 5.6% of the tariff (340 lines) had compound rates of duty while 50 lines had specific rates of duty.

Table 3.6 EU: Tariff elimination under the Agreement, by HS Section

HS Section	MFN average%	No. of lines	Duty-free lines under the MFN 2012	Number of duty-free lines under the Agreement	Remain dutiable	Avg. Final Tariff (Dutiable)
				2012		
I	9.7	929	106	823		
II	5.7	555	138	417		
III	5.9	128	23	105		
IV	14.8	830	93	737		
V	0.9	239	168	71		
VI	4.3	1,146	284	862		
VII	4.6	301	60	241		
VIII	3.2	130	38	92		
IX	2.4	211	97	114		
X	0.0	195	195			
XI	8.0	1,165	39	1,126		
XII	8.2	106	2	104		
XIII	4.0	238	32	206		
XIV	0.6	56	45	11		
XV	1.8	954	498	456		
XVI	2.3	1,373	304	1,069		
XVII	4.9	264	30	234		
XVIII	2.5	322	89	233		
XIX	2.2	22	4		18	2.7
XX	2.7	212	55	157		
XXI	0.0	7	7			
Total	5.1	9,383	2,307	7,058	18	2.7

Note: Tariff lines subject to in-quota rates are excluded in the computation. For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the EU authorities.

Chart 3.1 EU: Average of dutiable rates, by HS Chapter

Source: WTO estimates based on data provided by EU authorities.

3.1.3.2 ESA States

3.16. Tables 3.7-3.10 below show liberalization respectively by the ESA States under the Agreement by broad HS Sections while Chart 3.2 shows liberalization and tariff lines remaining subject to duty once the Agreement is fully implemented by HS Chapter.

3.17. Table 3.7 shows that once Madagascar has fully implemented the Agreement it will continue to maintain tariffs on EU imports under most HS Sections, with the largest share of tariffs maintained under Sections I-IV, with average tariffs on dutiable products ranging from 5% in

HS Section V to 20% (HS Sections VIII, IX, XII, XVI and XX). Chart 3.2 shows that in the HS Chapters where duties remain for imports from the EU, there are no differences between the preferential and MFN average rates. These range from 5% in Chapter 25 to 20% in nearly half of all HS Chapters in which tariffs are to remain once the Agreement is fully implemented.¹⁴

3.18. Once Mauritius has fully implemented the Agreement it will continue to maintain tariffs on EU imports under HS Sections II-IV, VI-VIII, X, XIII, XV and XX with average tariffs on the dutiable products ranging from 11.7% for HS Section III to 30% for HS Section VIII (Table 3.8). Chart 3.2 on duties remaining by HS Chapter shows that in the Chapters where tariffs remain for imports from the EU, there is no difference between the preferential and MFN average rates which range from 11.7% for Chapter 15 to 30% for Chapters 9 and 42.

3.19. As Table 3.9 shows the Seychelles will eliminate tariffs in HS Sections III, X, XIV and XVIII-XXI, and will retain tariffs on products across all other Sections. Final average tariffs of the dutiable products range from 5% for HS Section VI to 150% for HS Section VII. Chart 3.2 on tariffs remaining by HS Chapter, shows that for most Chapters the average preferential duty is lower than the overall average MFN duty for those lines, thereby providing preferential access to EU imports. The biggest margins of preference are found in HS Chapters 43 (preferential average of 23.6% compared to the MFN average of 200%) and 44 (preferential average of 25% compared to the MFN average of 200%).

3.20. Zimbabwe will maintain duties on tariffs across all HS Sections once the Agreement is fully implemented, with the exception of HS Section V (Table 3.10). Average tariffs on dutiable products will range from 8.3% in HS Section X to 62.3% in Section IV. Chart 3.2 on duties remaining by HS Chapter shows that in Chapters where tariffs remain for imports from the EU, there is no difference between the preferential and MFN average rates, which range from 5% in Chapter 8, 34, 38, 47, and 55 to 107.5% in Chapter 27.

Table 3.7 Madagascar: Tariff elimination under the Agreement, by HS Section

HS Section	MFN average %	No. of lines	Duty-free lines under the MFN 2014	Number of duty-free lines under the Agreement		Remain dutiable	Avg. Final Tariff (Dutiable)
				2014	2022		
I	18.1	373	19	153	17	184	19.4
II	14.1	364	29	186	31	118	17.7
III	11.5	69		1	44	24	15.0
IV	17.2	281	19	6	21	235	18.8
V	5.6	169	25	109	33	2	5.0
VI	6.9	951	88	3	801	59	15.1
VII	11.3	251	6	12	183	50	17.5
VIII	12.9	164	2	1	139	22	20.0
IX	15.7	151		15	126	10	20.0
X	10.8	155	9	2	132	12	14.6
XI	16.4	1,071	44	34	948	45	19.7
XII	17.4	81	5	4	70	2	20.0
XIII	15.4	153	1		152		
XIV	19.8	93		15	78		
XV	10.6	631	15	51	545	20	13.0
XVI	7.8	819	67	560	185	7	20.0
XVII	9.3	220	16	88	116		
XVIII	9.2	244	36	80	128		
XIX	20.0	57		1	56		
XX	16.6	179	7	10	140	22	20.0
XXI	18.0	30	3		27		
Total	12.2	6,506	391	1,331	3,972	812	18.2

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the Madagascar authorities.

¹⁴ Average applied preferential and MFN rates of 20% are found in 21 out of 44 HS Chapters in which tariffs remain after implementation of the Agreement (HS Chapters 2, 3, 7, 9, 16, 20, 22, 36, 42, 44, 46, 49, 54, 55, 56, 63, 64, 72, 85, 94, and 96).

Table 3.8 Mauritius: Tariff elimination under the Agreement, by HS Section

HS Section	MFN average %	No. of lines	Duty-free lines under the MFN 2012	Number of duty-free lines under the Agreement			Remain dutiable	Avg. Final Tariff (Dutiable)
				2013	2017	2022		
I	0.0	344	342	2				
II	0.7	316	297	16			3	25.0
III	2.1	49	39		3	4	3	11.7
IV	3.6	312	237	3		60	12	15.0
V	0.2	162	160	2				
VI	0.3	863	846			2	15	15.0
VII	1.7	243	216	1		8	18	15.6
VIII	3.4	71	63			3	5	30.0
IX	2.1	101	86		1	14		
X	2.8	164	142	2		2	18	21.7
XI	0.6	1,088	758			330		
XII	1.5	49	44		1	4		
XIII	3.6	167	127	1	11	26	2	15.0
XIV	0.0	55	55					
XV	1.1	634	588	1	17	18	10	15.0
XVI	0.6	809	781	6	2	20		
XVII	0.5	420	405	1	2	12		
XVIII	0.0	221	221					
XIX	0.0	20	20					
XX	7.1	171	116		8	23	24	25.0
XXI	0.0	7	7					
Total	1.1	6,266	5,550	35	45	526	110	19.2

Note: Covers HS chapters 1-97.
Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the Mauritius authorities.

Table 3.9 Seychelles: Tariff elimination under the Agreement, by HS Section

HS Section	MFN average%	No. of lines	Duty-free lines under the MFN 2012	Number of duty-free lines under the Agreement					Remain dutiable	Avg. Final Tariff (Dutiable)
				2013	2017	2018	2020	2022		
I	41.7	250	140	66	6			1	37	22.3
II	12.6	300	206	71	1			11	11	29.5
III	0.0	45	45							
IV	15.6	325	219					57	49	53.9
V	0.9	161	148	11	1				1	25.0
VI	3.3	821	795	9				5	12	5.0
VII	7.2	234	205	5	12	1		5	7	150.0
VIII	32.1	70	58					1	11	23.6
IX	6.8	97	90		1	1		4	2	25.0
X	1.5	187	182					5		
XI	7.8	819	532	6	37		34	243	1	25.0
XII	14.3	49	37		6			5	1	10.0
XIII	8.1	147	127	1	11				8	25.0
XIV	0.0	53	53							
XV	0.3	574	572						2	25.0
XVI	0.4	789	775	9	2			3		
XVII	12.9	258	136	1	5		1	1	115	17.4
XVIII	0.0	222	222							
XIX	0.0	20	20							
XX	5.0	128	117	1	6		4	4		
XXI	0.0	7	7							
Total	7.2	5,556	4,686	180	88	2	39	345	257	29.2

Note: Based on the HS 2007 nomenclature.

Source: WTO estimates based on data submission from the Seychelles authorities.

Table 3.10 Zimbabwe: Tariff elimination under the Agreement, by HS Section

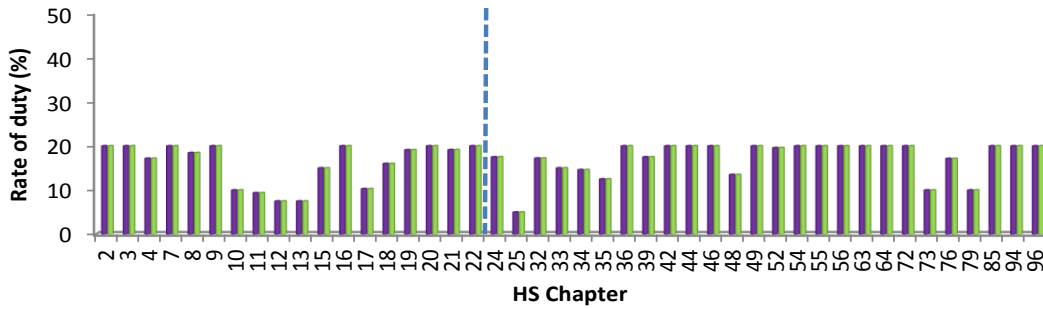
HS Section	MFN average%	No. of lines	Duty-free lines under the MFN 2012	Number of duty-free lines under the Agreement		Remain dutiable	Avg. Final Tariff (Dutiable)
				2012	2022		
I	16.9	481	197	206	66	12	37.5
II	20.5	333	29	113	165	26	13.7
III	9.6	63	4	17	39	3	10.0
IV	35.6	348	1	152	107	88	62.3
V	8.0	171	8	2	156	5	13.0
VI	6.6	830	59	95	662	14	8.9
VII	12.6	271	9	37	175	50	10.6
VIII	26.1	71		61	3	7	15.7
IX	19.6	104		31	73		
X	13.4	184	8	16	151	9	8.3
XI	20.3	897	3	256	266	372	31.1
XII	34.3	49		1	23	25	38.2
XIII	21.6	148		20	78	50	18.3
XIV	15.5	58	1	24	9	24	17.5
XV	13.7	628	1	482	75	70	16.1
XVI	9.5	867	288	324	231	24	27.1
XVII	15.7	203	22	115		66	28.4
XVIII	9.2	246	31	200		15	10.3
XIX	14.0	21		21			
XX	26.9	142	2	127	5	8	20.0
XXI	20.0	7		7			
Total	15.4	6,122	663	2,307	2,284	868	26.9

Note: Based on the HS 2012 nomenclature.

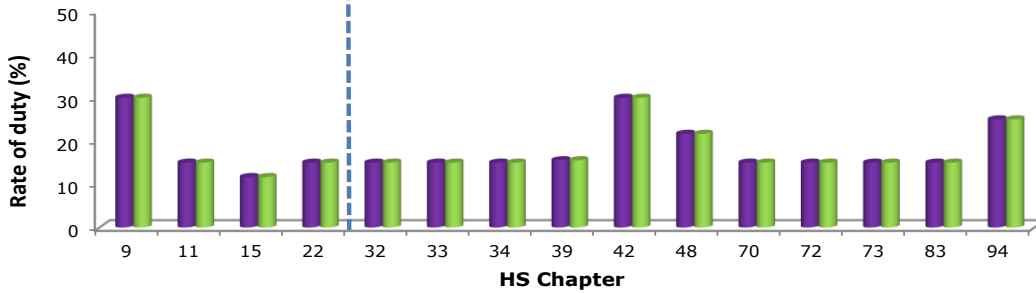
Source: WTO estimates based on data submission from the Zimbabwe and EU authorities; WTO-IDB.

Chart 3.2. Eastern and Southern African States (ESA): Average of dutiable rates, by HS Chapter

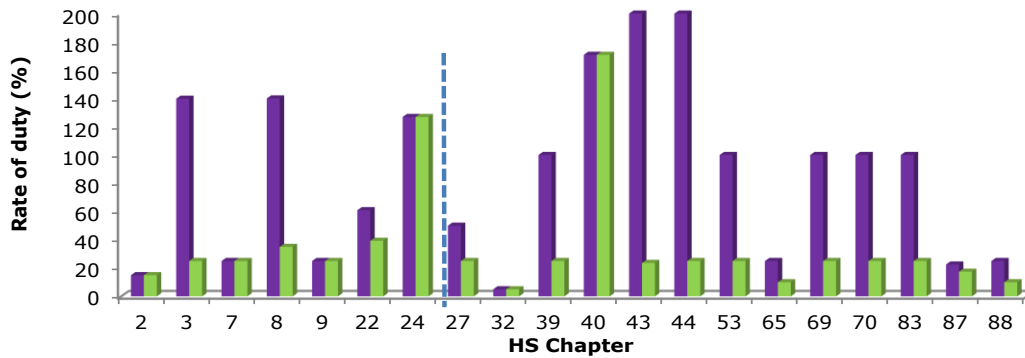
A. Madagascar



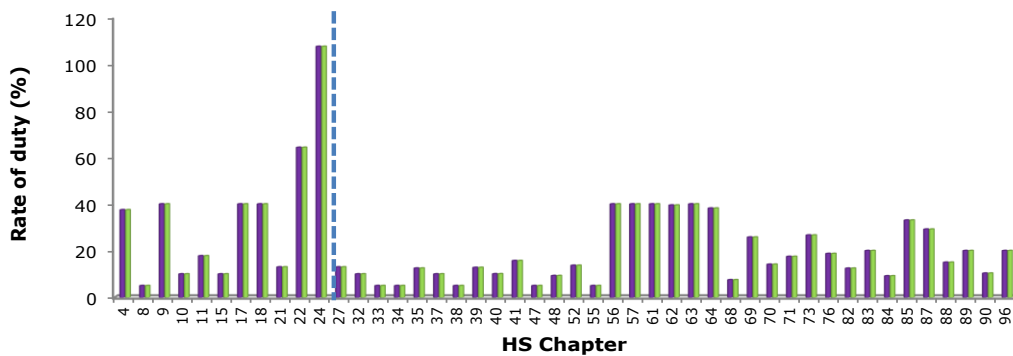
B. Mauritius



C. Seychelles



D. Zimbabwe



■ MFN ■ Preferential

Source: WTO estimates based on data from the ESA authorities (Madagascar, Mauritius, Seychelles and Zimbabwe).

3.1.4 Tariff rate quotas

3.21. Tariff rate quotas at duty free rates for imports of sugar under HS 1701 of 75,000 metric tonnes per year were in place until 1 October 2009, when EU import tariffs for sugar were eliminated (See 3.5.1 below).

3.2 Rules of origin

3.22. Article 13 of the Agreement and Protocol I contain provisions relating to rules of origin.

3.23. Under Article 13, originating means qualifying under the rules of origin in Protocol 1 to the Agreement. Protocol 1 defines as originating products wholly obtained in the EU (or in an ESA State) within the meaning of Article 6 of the Protocol¹⁵; products obtained in the EU (or in an ESA State) incorporating materials which have not been wholly obtained there, providing that they have undergone sufficient working or processing in the EU (or an ESA State) within the meaning of Article 7: when product specific conditions set out in Annex II or Annex II(a) of Protocol 1 are fulfilled.

3.24. Under Annex II, for products which are not wholly obtained, under Annex II, originating status may be granted to the final product if the value of any materials used in its manufacture does not exceed a certain percentage of the ex-works price of the product, or if the working or processing carried out results in a change in tariff classification (CTC), usually at the HS heading level. The value of materials ranges from 15% for certain fish products to 50%. In some cases the two rules can be used as an alternative to meet the rules of origin. Annex II(a) provides derogations from the list of working or processing required for products to obtain originating status. These rules apply instead of those in Annex II to some agricultural products and food preparations.

3.25. Once a product has acquired originating status by fulfilling the conditions in either Annex II or Annex II(a), and is used in the manufacture of another product, the conditions applicable to the product in which it is incorporated do not apply to it, and no account shall be taken of the non-originating materials which may have been used in its manufacture (Article 7.3). Article 7.4 provides for "tolerance rules" which permit the use of non-originating materials which do not meet the criteria in Annex II or II(a) if their total value does not exceed 15% of the ex-works price of the product, and any of the percentages given in the list for the maximum value of non-originating materials are not exceeded; these provisions do not apply to products of Chapters 50-63 (textiles and clothing products).

3.26. The Agreement permits diagonal cumulation for products obtained or processed in the EU, an ESA State, in the other ACP States or in the Overseas Countries and Territories (OCT) of the EU, provided the working or processing carried out in the EU or the ESA State goes beyond the operations mentioned in Article 8 (insufficient working or processing) and shall not be required to have undergone sufficient working or processing. Where the working or processing in the EU or ESA State does not go beyond the operations in Article 8, the product shall be considered originating only if the value added in the EU or ESA State is greater than the value of originating materials used in the EU, any ESA or other ACP or OCT State. If this is not the case, the product shall be considered originating in the country or territory with the highest value of originating materials used in the manufacture of the product.

3.27. Cumulation may only be applied if the countries involved in the acquisition of the originating status and the country of destination have concluded an agreement on administrative cooperation ensuring the correct implementation of Article 3 on cumulation; and materials and products have acquired originating status by the application of the same rules of origin as provided in Protocol 1. The ESA States will provide the EU with details of agreements on administrative cooperation with the other countries and territories mentioned in the Article (other ACP States and OCTs) and all the Parties shall publish the date on which cumulation may be applied with them. Cumulation for rice under HS 1006 was excluded until 1 January 2010 and for products listed in Annex X (certain

¹⁵ The term "Community" used in the Agreement does not cover the EU territories of Ceuta and Melilla and does not apply to products originating from these territories (Article 43 of Protocol 1).

products under HS 1701, 1702, 1704, 1806, 1901, 2101, 2106 and 3302)¹⁶ until 1 October 2015. For the ESA States, cumulation for these products may be provided as of these dates and when the materials used in the manufacture of the product are originating, or the working or processing is carried out in an ESA State or another ACP member of an EPA with the EU. Certain processed agricultural products originating in South Africa and listed in Annex XII of Protocol 1, are not eligible for cumulation in the ESA States, while basic agricultural products from South Africa listed in Annex XIII will become eligible for cumulation in the ESA States after 31 December 2009.

3.28. Cumulation with neighbouring developing countries other than an ACP State and belonging to "a coherent geographical entity" as listed in Annex VIII to Protocol 1 (Algeria, Egypt, Libya, Maldives, Morocco and Tunisia), may be requested by the ESA States under Article 5 of the Protocol. Following a decision by the Customs Cooperation Committee established by the Agreement under Article 41 to Protocol 1, materials originating in one of these neighbouring developing countries can be considered as originating in an ESA State when incorporated into a product obtained there. Sufficient working or processing of the products is not required provided that this exceeds the insufficient working or processing operations in the Agreement, and the ESA States, the EU and the neighbouring developing countries concerned have concluded an agreement on adequate administrative cooperation procedures to ensure correct implementation of the cumulation provisions. The Customs Cooperation Committee may list products to which such cumulation may not apply.

3.29. Article 8 lists operations that are considered as insufficient working or processing to confer origin, while Articles 9-12 have provisions on, respectively, the unit of qualification; accessories, spare parts and tools; sets; and neutral elements. The principle of territoriality under Article 13 of the Protocol requires that except as provided for through diagonal cumulation (under Articles 3-5 as described above), originating goods exported from one of the Parties to another country return, they must be considered non-originating unless they are the same as the goods exported, and they have not undergone any operation beyond that necessary to preserve them in good condition. Article 14 contains provisions requiring goods to be transported directly and Article 15 on goods sent for exhibitions to countries not subject to the diagonal cumulation provisions.

3.30. The Agreement does not prohibit duty drawback.

3.31. The Parties commit for the purposes of the comprehensive EPA, and during the period between entry into force of the Agreement and the comprehensive EPA, to review the provisions of Protocol 1 with a view to their further simplification. The review will take into account the development needs of the ESA States and development of technologies, production processes and all other factors, including on-going reforms of rules of origin which may require modifications to the Protocol which shall take place following a decision by the EPA Committee.

3.32. Article 41 of Protocol 1 establishes a Customs Cooperation Committee for administrative cooperation with a view to the correct and uniform application of the Protocol and any other customs tasks. It shall examine regularly the effect on the ESA States, especially least-developed States, of the application of the rules of origin and recommend appropriate measures to the EPA Committee. It shall also accept and examine requests for derogations from the Protocol (Article 42), particularly taking into account the level of development or the geographical situation of the ESA State(s) concerned; where the application of existing rules of origin would significantly affect the ability of an existing industry in an ESA State to export to the EU; and where it can be clearly demonstrated that significant investment in an industry would be deterred by the rules of origin. Where the request is from a least-developed ESA State, it shall be examined favourably with particular regard to the economic and social impact of the decision especially *vis-à-vis* employment; and the period for which the derogation is applied taking into account the particular situation of the State concerned and its difficulties.

3.33. Notwithstanding these provisions, derogations shall be granted where the value added to the non-originating products used in the ESA State concerned is at least 45% of the value of the finished product, provided the derogation does not cause serious injury to an economic sector in

¹⁶ Cane or beet sugar, sugars, sugar confectionary, cocoa powder, food preparations containing cocoa powder, food preparations of flour, groats, meal starch or malt extract, preparations based on coffee, tea or mate, flavoured or coloured sugar syrups, food preparations n.e.s., and preparations based on odiferous substances.

the EU or its Member States; and derogations shall be granted within an annual quota of 8,000 metric tonnes (MT) for canned tuna and 2,000 MT for tuna loins. The derogations shall be valid for five years, to be determined by the Committee and may be renewed provided the ESA State or States concerned submit, three months before the end of each period, proof that they are still unable to meet the conditions of the Protocol to which they have been granted the derogation. Any objections to the extension will be examined by the Committee which may also alter the terms of the derogation after examination.

3.3 Export duties and charges, and quantitative restrictions

3.34. Article 15 prohibits the Parties from instituting any new duties or taxes on or in connection with the export of goods to the other Party exceeding those imposed on like products destined for internal sale, except as otherwise provided in Annex III of the Agreement.¹⁷ The EPA Committee may examine a request from any signatory ESA State for a review of the goods listed in Annex III.

3.35. As for imports, all prohibitions or restrictions on exports or sale for export between the Parties other than customs duties, taxes and fees and other charges provided for under Article 7 or as otherwise specified in Annex I and II to the Agreement, shall be eliminated upon entry into force of the Agreement. Furthermore, no new measures shall be introduced.

3.4 Regulatory Provisions of the Agreement

3.4.1 Standards

3.4.1.1 Sanitary and phytosanitary measures

3.36. There are no provisions in the Agreement on sanitary and phytosanitary measures; negotiations on SPS issues are however included under the rendez-vous clause (section 2 above).

3.4.1.2 Technical barriers to trade

3.37. There are no provisions in the Agreement on technical barriers to trade (TBT); negotiations on TBT measures are however included under the rendez-vous clause (section 2 above).

3.4.2 Safeguard mechanisms

3.4.2.1 Global safeguards

3.38. Article 20 of the Agreement permits the Parties from adopting measures in accordance with Article XIX of the GATT, 1994, the WTO Agreement on Safeguards, and Article 5 of the WTO Agreement on Agriculture. For such measures, the origin of a good shall be determined in accordance with the non-preferential rules of origin of the Parties and shall not be subject to the dispute settlement provisions of the Agreement.

3.39. Notwithstanding the right to take safeguard measures, the EU shall, in the light of the overall development objectives of the Agreement and the small size of the ESA State economies, for a period of 5 years from entry into force of the Agreement, exclude imports from any ESA State from any measures taken pursuant to the WTO Agreements mentioned above. Not later than 120 days before the end of the 5 year period, the EPA Committee shall review the operation of these provisions in light of the development needs of the ESA States, to determine whether to extend their application further.

3.4.3 Bilateral safeguards

3.40. Article 20 permits the Parties, after having examined alternative solutions, to apply safeguard measures of limited duration which derogate from the provisions of Articles 11 (tariff

¹⁷ Under Annex III Zambia maintains export duties (as on 30 September 2008) on a number of products including cotton seed, cotton not carded or combed, copper ores and concentrates, and metal waste and scrap. However, Zambia has not signed the Agreement.

liberalization commitments by the ESA States), 12 (tariff liberalization commitments by the EU) and 17 (prohibition of quantitative restrictions) of the Agreement.

3.41. Bilateral safeguards may be taken where a product originating in one Party is being imported into the territory of the other Party in such increased quantities and under such conditions as to cause or threaten to cause: (i) serious injury to the domestic industry producing like or directly competitive products in the territory of the importing Party; or (ii) disturbances in a sector of the economy, especially those producing major social problems or difficulties which could result in a serious deterioration in the economic situation of the importing Party; or (iii) disturbances in the markets of agricultural like or directly competitive products (covered by Annex I of the WTO Agreement on Agriculture) or mechanisms regulating those markets. The measures will not exceed that necessary to remedy or prevent such serious injury or disturbances. They may only consist of one or more of: a suspension of the further reduction of the rate of import duty for the product concerned, as scheduled under the Agreement; increase in the customs duty on the product up to a level which does not exceed the customs duty applied to other WTO Members; and introduction of tariff rate quotas on the products concerned.

3.42. Notwithstanding these provisions, where any product originating in the EU is being imported in such increased quantities and under such conditions as to cause or threaten to cause serious injury or disturbances described above to a signatory ESA State, it may take surveillance or safeguard measures limited to its territory. Furthermore, for a period of time from entry into force of the Agreement (10 years for non-LDCs and 15 years for LDCs), ESA States may take safeguard measures in case of serious injury or disturbance caused to an infant industry producing like or directly competitive products.

3.43. Safeguard measures taken shall only be maintained for such a time as necessary to prevent or remedy the serious injury or disturbances. They shall not be applied for a period exceeding 2 years and extended for a further maximum 2 year period where the circumstances warrant the continued imposition of the measures. However, the measure can be applied by ESA States or where the EU applies a measure limited to the territory of one or more of its outermost regions, for a period of 4 years, extendable for another 4 years where the circumstances warrant. All safeguard measures applied for more than one year shall contain clear elements progressively leading to their elimination at the end of the set period, at the latest. Furthermore, no bilateral safeguard shall be applied to imports of a product that has previously been subject to a measure for at least one year since the expiry of the measure.

3.44. The procedures for the imposition of bilateral safeguards require the Party concerned by the serious injury or disturbance to refer the matter along with complete relevant information to the EPA Committee. The Committee may make any recommendation needed to remedy the circumstances which have arisen. If no recommendation and satisfactory solution has been reached within 30 days of the matter being referred to the Committee, the importing Party may adopt the appropriate measures needed to remedy the situation.

3.45. In the selection of the measure priority must be given to those which least disturb the operation of the Agreement. Any measure taken must be notified immediately to the EPA Committee and shall be subject to periodic consultations in the Committee especially to establish a timetable for their abolition as soon as circumstances permit. In exceptional circumstances, requiring immediate action, the importing Party may take provisional measures for a maximum period of 180 days (200 days for ESA States or where measures taken by the EU are limited to the territory of one or more of its outermost regions). The duration of the provisional measure shall count as part of the initial period and any extension. In the taking of provisional measures, the interests of all the Parties involved shall be taken into account. The importing Party shall inform the other Party concerned and immediately refer the matter to the EPA Committee for examination. An importing Party taking an administrative procedure whose purpose is the rapid provision of information on the trend of trade flows liable to give rise to serious injury or disturbance, shall also inform the EPA Committee without delay. Finally, the WTO Agreement shall not be invoked to preclude a Party from adopting safeguards in conformity with Article 21. According to the Parties no safeguards have been taken to date.

3.46. Safeguards were also permitted by the EU for the period between 1 October 2009 and 30 September 2015 for imports of sugar imported from ESA States deemed to cause a disturbance in the EU sugar market. The measure which involved raising import duties to their equivalent MFN

rates involved sugar under HS 1701 imported in excess of 3.5 million tonnes in a marketing year from ACP States signatory to the Cotonou Agreement and 1.38 million tonnes in marketing year 2009/10 originating in non-LDC ACP States, increasing to 1.45 million tonnes in marketing year 2010/11 and 1.6 million tonnes in the next four marketing years.¹⁸ Any such measures were to be notified immediately to the EPA Committee and be subject to periodic consultations in the Committee and cease at the end of the relevant marketing year. The EU confirms that the measures were phased out after October 2015.

3.4.4 Anti-dumping and countervailing measures

3.47. Nothing in the Agreement prevents the Parties from adopting anti-dumping or countervailing measures in accordance with the relevant WTO Agreements. For the purposes of such measures, the origin of a product shall be determined in accordance with the non-preferential rules of origin of the Parties (Article 19).

3.48. Before imposing definitive measures on products originating in the ESA States, the EU shall consider the possibility of constructive remedies as provided for in the relevant WTO Agreements. The EU indicates that such constructive remedies have not been used. Any anti-dumping or countervailing measures imposed on behalf of two or more signatory ESA States by a regional authority shall be subject to one single forum of judicial review, including at the stage of appeals. Furthermore, where anti-dumping or countervailing measures can be imposed on a regional, subregional and national basis, the Parties shall ensure they are not applied simultaneously on the same product by regional or subregional authorities on the one hand and national authorities on the other. The EU shall notify the exporting signatory ESA States of the receipt of a properly documented complaint before initiating any investigation.

3.49. The provisions of Article 19 shall be applicable to all investigations initiated after the entry into force of the Agreement and not subject to the dispute settlement provisions of the Agreement.

3.4.5 Subsidies and State-aid

3.50. There are no explicit provisions on subsidies and State-aid in the Agreement. However, Article 18 of the Agreement permits the payment of subsidies exclusively to national producers (see section 3.1.1. above). The EPA Committee may also authorize a signatory EPA State to depart from the provisions of Article 18 on national treatment for internal taxation and regulation to promote the establishment of domestic production and protect infant industries.

3.4.6 Customs-related procedures

3.51. While there is no section in the Interim Agreement on customs related procedures, in Title V on Administrative provisions the Parties agree that administrative cooperation is essential for the implementation and control of the preferential treatment granted for trade in goods and commit to combat irregularities and fraud in customs related matters. Temporary suspension of preferential treatment is permitted in cases where a Party has found on the basis of objective information, a failure to provide administrative cooperation and/or irregularities or fraud.¹⁹

3.52. A Party which has found failure to provide administrative cooperation and/or irregularities or fraud shall without delay inform the EPA Committee of its finding together with the objective information and enter into consultations within the EPA Committee, with a view to reaching an acceptable solution to all Parties. At the same time the Party shall publish a notice to its importers in its Official Journal, indicating the finding for the product concerned. If a solution is not found within three months following the notification, the Party may temporarily suspend the relevant preferential treatment of the products concerned and notify the EPA Committee. Any temporary

¹⁸ These imports from LDC States of the ESA would nevertheless be subject to the general safeguard provisions of the Agreement.

¹⁹ A failure to provide administrative cooperation is defined as: a repeated failure to respect the obligations to verify the originating status of the product(s) concerned; a repeated refusal or undue delay in carrying out and/or communicating the results of subsequent verification of the proof of origin; a repeated refusal or undue delay in obtaining authorization to conduct administrative cooperation missions to verify the authenticity of documents or accuracy of information relevant to the granting of the preferential treatment in question (Article 22).

suspension shall be limited to that necessary to protect the financial interests of the Party concerned and not exceed six months (renewable). The suspension shall be subject to periodic consultations in the EPA Committee with a view to their termination as soon as the conditions for their application are no longer in place (Article 22).

3.53. If there is an error by the competent authorities in the proper management of the preferential system of export, which leads to consequences in terms of import duties, the Party facing such consequences may request the EPA Committee to examine the situation with a view to resolving it. With regard to customs valuation, the Parties in Article 24 affirm that Article VII of GATT 1994 and the Agreement on the Implementation of Article VII of GATT 1994 shall govern customs valuation in their bilateral trade. The Parties agree to cooperate with a view to reaching a common approach on customs valuation issues (Article 24).

3.54. Protocol 2 of the Agreement on mutual administrative assistance in customs matters provides for the Parties to assist each other in the areas within their competence, to ensure the correct application of customs legislation, in particular, by preventing, investigation and combating operations in breach of that legislation. The assistance may be provided on request or may be spontaneous as outlined in the Protocol. The assistance may also be refused in certain circumstances if a Party concerned believes that assistance would be likely to prejudice sovereignty of the ESA or EU Member State asked to provide the assistance or be likely to prejudice public policy, security or other essential interests or violate an industrial, commercial or professional secret. Assistance may also be postponed under certain circumstances.

3.5 Sector-Specific Provisions of the Agreement

3.5.1 Sugar

3.55. Under EU policy its customs duties on imports from the ESA States of products under HS 1701 were eliminated on 1 October 2009. Until that time and in addition to the tariff rate quota (TRQ) under the Sugar Protocol, a TRQ at zero duty of 75,000 metric tonnes was provided for the marketing year²⁰ 2008/09 for products under HS 1701, white sugar equivalent, from the ESA States. Import licences were to be granted for the additional TRQ only if the importer agreed to purchase the products at a price at least equal to the guaranteed prices fixed for sugar imported into the EU under the Sugar Protocol.

3.56. Under paragraph 5 of the Annex, the EU could during the period 1 October 2009-30 September 2015, raise import duties to the MFN rate for sugar imported in excess of a certain quantity from the ESA States which were deemed to cause a disturbance in the EU sugar market (See Section 3.4.3 above).²¹ The EU confirms it has never taken such a measure. UN recognized least developed countries will not be subject to these provisions but imports from these countries will nevertheless be subject to the safeguard clause under the Agreement. Any measure taken pursuant to paragraph 5 shall be notified and subject to periodic consultations in the EPA Committee. The EU indicates that the procedure ended on 30 September 2015. For the period from 1 October 2015, in applying the safeguard measures under Article 21 of the Agreement (see Section 3.4.3 above) for products under HS 1701, disturbances in the market were deemed to arise if the EU market price of white sugar fell during two consecutive months below 80% of the EU market price during the previous marketing year. The EU indicates that such measures have never been applied.

3.57. Imports of products under HS 17049099, 18061030, 18061090, 21069059 and 21069098 from the ESA States were subject to a special surveillance mechanism from 1 January 2008 to 30 September 2015 to ensure that the arrangements described above were not circumvented. A cumulative increase in imports from the ESA States by over 20% in volume during 12 consecutive months compared to the average annual imports over the three previous 12 months, will be analysed by the EU and if it considers that there is circumvention, it could suspend preferential

²⁰ The marketing year was from 1 October-30 September.

²¹ The quantity was set at 3.5 million metric tonnes in a marketing year of products originating in the African, Caribbean and Pacific (ACP) Group of States signatory to the Cotonou Agreement and 1.38 million metric tonnes in marketing year 2009/10 of products originating in ACP States that are not recognized by the UN as least developed countries, to rise to 1.45 million tonnes in 2010/11 and 1.6 million in the following four marketing years.

treatment and impose the MFN tariff. The EU indicates this has never happened. The conditions for granting an import licence for products under HS 1701 between 1 October 2009 and 30 September 2012 were that the importer had to purchase the products at a price not lower than 90% of the reference price set by the EU for the relevant marketing year. The reference price has been replaced by a reference "threshold" and is currently €404 per tonne.²²

3.5.2 Fisheries

3.58. Chapter III recognizes that fisheries constitute a key economic resource for the ESA region, make a significant contribution to the economies of the ESA States and have great potential for future regional economic development and poverty reduction. Fisheries are also an important source of food and foreign exchange. The Parties agree to cooperate for the sustainable development and management of the fisheries sector in their mutual interest, taking into account the economic, environmental and social impacts. They also agree that the appropriate strategy to promote economic growth is through increasing value added activities in the sector.

3.59. The objectives of economic cooperation, which covers marine and inland fisheries and aquaculture, are to promote sustainable development and management of fisheries; promote and develop regional and international trade based on best practices; create an enabling environment, including infrastructure and capacity building for the ESA States to cope with stringent market requirements for industrial and small scale fisheries; support national and regional policies aimed at increasing the sector's productivity and competitiveness; and build links with other economic sectors.

3.5.2.1 Marine Fisheries

3.60. Economic cooperation aims to ensure the sustainable exploitation and management of fisheries resources as a strong basis for regional integration, given that fish species are shared among the ESA States and no individual State has the capacity to ensure sustainability of the resource; ensure more equitable benefit sharing from the sector; ensure effective monitoring control and surveillance (MCS) necessary for combating illegal, unreported and unregulated (IUU) fishing; and promote effective exploitation, conservation and management of living marine resources in the exclusive economic zone (EEZ) and waters in which the ESA States have jurisdiction under international instruments, for the mutual social and economic benefit of all the Parties. Cooperation will include fisheries management and conservation issues, vessel management and post-harvest arrangements and financial and trade measures and development of fisheries and fishery products and marine aquaculture. The EU will contribute to mobilizing resources for these areas of cooperation, including support for regional capacity building as well as areas identified in the section on financial and trade measures and infrastructure for fisheries and marine aquaculture.

3.5.2.2 Inland fisheries and aquaculture development

3.61. Cooperation aims to promote sustainable exploitation of sustainable exploitation of inland fisheries resources, enhance aquaculture production, remove supply side constraints, improve fish and fish product quality to meet SPS standards in the EU, improve market access to the EU, address intra-regional trade barriers, attract capital inflows and investment, build capacity and enhance access to financial support for private investors. The EU will contribute to capacity building and export market development; infrastructure and technology development; legal and regulatory support; investment and financial support; and socio-economic and poverty alleviation measures.

4 GENERAL PROVISIONS OF THE AGREEMENT

4.1 Transparency

4.1. There is no specific section which deals with transparency in the Agreement.

²² Regulation (Eu) No. 1308/2013 of the European Parliament and of the Council of 17 December 2013. Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R1308&from=EN>.

4.2 Current payments and capital movements

4.2. There are no provisions in the Agreement on current payments and capital movements; negotiations on current payments and capital payments are however included under the rendez-vous clause (section 2 above).

4.3 Exceptions

4.3. Article 56 provides for general exceptions to the Agreement. It permits the EU, the ESA States or a Signatory ESA State to adopt or enforce measures as long as they are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between the Parties where like conditions prevail, or a disguised restriction on international trade. The measures are those: (i) necessary to protect public morals or to maintain public order and security; (ii) necessary to protect human, animal or plant life or health; (iii) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of the Agreement, including those relating to the prevention of deceptive and fraudulent practices or to deal with the effects of a default on contracts; the protection of the privacy of individuals in the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts; safety; customs enforcement; or protection of intellectual property rights; (iv) relate to the import or export of gold or silver; (v) necessary to protect national treasures of artistic, historic or archaeological value; (vi) relate to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption of goods, domestic supply or consumption of services and on domestic investors; (vii) relate to the products of prison labour; or (viii) are essential for the acquisition or distribution of products in general or in short local supply provided the measure is consistent with the principle that all Parties are entitled to an equitable share of the international supply of such products and that any measures that are inconsistent with the other provisions of the Agreement will be discontinued as soon as the conditions giving rise to them have ceased to exist.

4.4. Under Article 57 nothing in the Agreement shall be construed to require the EU and a Signatory ESA State from furnishing any information, the disclosure of which it considers to be contrary to its essential security interests. The EU or a signatory ESA State are also not prevented from taking any action they consider necessary for the protection of their essential security interests relating to fissionable and fusionable materials or the materials from which they are derived; relating to economic activities carried out directly or indirectly for supplying or provisioning a military establishment; connected with the production of or trade in arms, munitions and war materials; relating to government procurement indispensable for national security or national defence; or taken in a time of war or other emergency in international relations. They may also take any action to carry out obligations they have accepted for the purpose of maintaining international peace and security. The Parties are to inform each other to the fullest extent possible of measures taken and of their termination.

4.5. Article 58 contains exceptions relating to taxation and permits the EU or a Signatory ESA State to distinguish, in the application of the relevant provisions of its fiscal legislation, between taxpayers, in particular with regard to their place of residence or the place where their capital is invested. They are permitted to adopt or enforce any measure aimed at preventing the avoidance or evasion of taxes under the tax provisions of agreements to avoid double taxation or other tax arrangements or domestic fiscal legislation. Nothing in the Agreement affects the rights and obligations of the EU or a Signatory ESA State under any tax convention. In the event of any inconsistency between the Agreement and such convention, the convention shall prevail to the extent of the inconsistency.

4.4 Accession and Withdrawal

4.6. Accession to the Agreement, with the agreement of the Parties, is permitted for other ESA States: Djibouti, Eritrea, Ethiopia, Malawi, and Sudan (Article 66). The Agreement shall enter into force for the acceding party in accordance with the applicable legal procedures of the EU and the ESA States and the acceding party. The EU shall endeavour to apply the Agreement to the acceding party as soon as possible. Any other State in the ESA region may request accession to the Agreement which will be presented to the EPA Committee which may lay down the conditions

and specific arrangements for accession by the State. The Agreement will enter into force for the acceding state on the date it deposits its instrument of accession.

4.7. Article 67 requires that the EPA Committee be advised of any request made by a third party to become a member of the EU. During negotiations for accession, the EU shall provide the ESA States with any relevant information and they in turn shall convey any concerns to the EU so they can be taken fully into account. The ESA States shall be notified by the EU of any accession to the EU. The new Member State of the EU shall accede to the Agreement from the date of its accession to the EU through a clause in the act of accession.²³ The Parties shall review the effects of the accession of new EU Member States on the Agreement and the EPA Committee may decide on any transitional or amending measures that might be necessary.

4.8. Although not directly related to the accession provisions of the Agreement, Annex II to the Agreement on commitments to liberalize customs duties between the Parties only applies to the EU and Signatory ESA States (the Comoros, Madagascar, Mauritius, Seychelles, Zambia and Zimbabwe). Of the Signatory ESA States, the notification to the WTO includes only a sub-set (Madagascar, Mauritius, Seychelles and Zimbabwe). Article 6 of the Agreement states that when a ESA State not listed in Annex II wants to join Chapter II (trade regime for goods), it shall notify its intention to the EPA Committee which in turn may amend Annex II. The Parties indicate that the Comoros and Zambia initialled the Agreement but never signed it.

4.9. The EU or a Signatory ESA State(s) may give written notice at any time of its intention to denounce the Agreement, which shall take place one month after notification to the other Party. The Agreement will remain in force until the comprehensive EPA enters into force (Article 62).

4.5 Institutional framework

4.10. Article 64 of the Agreement establishes an EPA Committee which is responsible for the administration of the Agreement, including development cooperation as provided for by the Agreement (Section 4.10 below) and any other tasks mentioned in the Agreement.

4.11. It shall be composed of representatives of the Parties and shall adopt its rules of procedures within 3 months of entry into force of the Agreement. The rules of procedure of the Committee were adopted and it has met four times. During these meetings various issues were discussed, notably the review of the implementation of the Agreement, monitoring, customs issues (e.g. cumulation and derogation), development cooperation and support for implementation, EU decisions affecting the competitiveness of the ESA States, the accession of Croatia to the EU, other EPA negotiations, overview of the Parties' trade negotiations with third parties, and WTO developments. The fifth meeting of the EPA Committee took place on 12 and 13 December 2016.

4.6 Dispute settlement

4.12. Dispute avoidance and settlement is provided for in Articles 54 and 55 of the Agreement. Under Article 54 the Parties endeavour to resolve any dispute concerning the interpretation and application of the Agreement by entering into good faith consultations with the aim of finding an agreed solution. A request for consultations must be in writing to the other Party, identifying the measure at issue and the provisions of the Agreement it considers the measures are not in conformity with. The consultations are to be held within 40 days of the submission of the request (15 days on matters of urgency including those concerning perishable or seasonal goods) and are deemed to be concluded within 60 days of the submission of the request (30 days for matters of urgency), unless both Parties agree to continue their consultations. The consultations are to remain confidential.

4.13. Failing a resolution through consultations, either Party may request the resolution of the dispute through arbitration (Article 55). Each Party shall appoint an arbitrator within 30 days of the request for arbitration by notifying the other Party and the EPA Committee. The request shall identify the measure at issue and the provisions of the Agreement it is judged not to be in conformity with by the complaining Party. A third arbitrator is to be appointed by the two

²³ If there is no automatic accession to the Agreement provided for by the act of the accession to the EU, the new EU Member State shall accede through an act of accession with the two depositories, which shall arrange for certified copies to be sent to the ESA States.

arbitrators. If the arbitrators cannot be appointed, either Party may ask the Secretary General of the Permanent Court of Arbitration for International Organizations and States to appoint the second or third arbitrators.

4.14. The arbitrators, unless they decide otherwise, following procedures laid down in the optional arbitration regulations of the Permanent Court of Arbitration, shall decide by majority vote within 90 days and endeavour to decide within 60 days for matters of urgency. Each Party to the dispute shall be bound to take measures necessary to implement the decision by the arbitrators. For disputes involving development finance cooperation, the procedures set out in Article 98 of the Cotonou Agreement apply.

4.7 Relationship with other agreements concluded by the Parties

4.15. The Agreement is to remain in force until the comprehensive EPA enters into force (Article 62). In case there is any inconsistency between the Agreement and the comprehensive EPA, the latter shall prevail to the extent of the inconsistency (Article 59).

4.16. Under Article 65 nothing in the Agreement shall prejudice the application of measures deemed appropriate as provided for under Article 11b, 96 and 97 of the Cotonou Agreement and according to their procedures. In the case of any inconsistency between the Agreement and the provisions of Title II of Part 3 of the Cotonou Agreement, with the exception of the development cooperation provisions contained therein, the provisions of the Agreement will prevail.

4.17. As some Signatory ESA States are not WTO Members, references to the WTO Agreements in the Agreement and WTO Bodies and Committees shall not be construed as imposing any obligations arising from such WTO Agreements or decisions taken by its bodies beyond the obligations expressly taken by these Signatory States under the Agreement. Any inconsistency between provisions of WTO Agreements or decisions of WTO Bodies or Committees and the provisions of the Agreement, the latter shall always prevail for non-WTO Member Signatory ESA States. The Parties also agree that nothing in the Agreement requires them or the Signatory ESA States to act in a manner that is inconsistent with their WTO obligations (Article 65).

4.18. The regional trade agreements entered into by the Parties are listed in Table 4.1.

Table 4.1 EU – Madagascar, Mauritius, Seychelles and Zimbabwe: Participation in other RTAs (notified and non-notified in force), as of 17 August 2017

RTA Name	Date of entry into force	Coverage	GATT/WTO Notification	
			Year	WTO Provision
EUROPEAN UNION				
EU - Colombia and Peru - Accession of Ecuador	01-Jan-17	Goods & Services	2017	GATT Art. XXIV & GATS Art. V
EU - Ghana	15-Dec-16	Goods	2017	GATT Art. XXIV
EU - SADC*	10-Oct-16	Goods	2017	GATT Art. XXIV
EU - Côte d'Ivoire	03-Sept-16	Goods	2008	GATT Art. XXIV
EU - Georgia	01-Sep-14	Goods & Services	2014	GATT Art. XXIV & GATS Art. V
EU - Republic of Moldova	01-Sep-14	Goods & Services	2014	GATT Art. XXIV & GATS Art. V
EU - Cameroon	04-Aug-14	Goods	2009	GATT Art. XXIV
EU - Ukraine	23-Apr-14	Goods & Services	2014	GATT Art. XXIV & GATS Art. V
EU - Central America**	01-Aug-13	Goods & Services	2013	GATT Art. XXIV & GATS Art. V
EU - Colombia and Peru	01-Mar-13	Goods & Services	2013	GATT Art. XXIV & GATS Art. V
EU - Republic of Korea	01-Jul-11	Goods & Services	2011	GATT Art. XXIV & GATS Art. V
EU - Serbia	01-Feb-10	Goods	2010	GATT Art. XXIV
	01-Sep-13	Services	2013	GATS Art. V
EU - Papua New Guinea / Fiji	20-Dec-09	Goods	2011	GATT Art. XXIV

RTA Name	Date of entry into force	Coverage	GATT/WTO Notification	
			Year	WTO Provision
EU - CARIFORUM States EPA	01-Nov-08	Goods & Services	2008	GATT Art. XXIV & GATS Art. V
EU - Bosnia and Herzegovina	01-Jul-08	Goods	2008	GATT Art. XXIV
	01-Jun-15	Services	2016	GATS Art. V
EU - Montenegro	01-Jan-08	Goods	2008	GATT Art. XXIV
	01-May-10	Services	2010	GATS Art. V
EU - Albania	01-Dec-06	Goods	2007	GATT Art. XXIV
	01-Apr-09	Services	2009	GATS Art. V
EU - Algeria	01-Sep-05	Goods	2006	GATT Art. XXIV
EU - Egypt	01-Jun-04	Goods	2004	GATT Art. XXIV
EU - Lebanon	01-Mar-03	Goods	2003	GATT Art. XXIV
EU - Chile	01-Feb-03	Goods	2004	GATT Art. XXIV
	01-Mar-05	Services	2005	GATS Art. V
EU - Jordan	01-May-02	Goods	2002	GATT Art. XXIV
EU - San Marino	01-Apr-02	Goods	2010	GATT Art. XXIV
EU - The former Yugoslav Republic of Macedonia	01-Jun-01	Goods	2001	GATT Art. XXIV
	01-Apr-04	Services	2009	GATS Art. V
EU - Mexico	01-Jul-00	Goods	2000	GATT Art. XXIV
	01-Oct-00	Services	2002	GATS Art. V
EU - Israel	01-Jun-00	Goods	2000	GATT Art. XXIV
EU - Morocco	01-Mar-00	Goods	2000	GATT Art. XXIV
EU - South Africa	01-Jan-00	Goods	2000	GATT Art. XXIV
EU - Tunisia	01-Mar-98	Goods	1999	GATT Art. XXIV
EU - Palestinian Authority	01-Jul-97	Goods	1997	GATT Art. XXIV
EU - Faroe Islands	01-Jan-97	Goods	1997	GATT Art. XXIV
EU - Turkey	01-Jan-96	Goods	1995	GATT Art. XXIV
European Economic Area (EEA)	01-Jan-94	Services	1996	GATS Art. V
EU - Andorra	01-Jul-91	Goods	1998	GATT Art. XXIV
EU - Syria	01-Jul-77	Goods	1977	GATT Art. XXIV
EU - Norway	01-Jul-73	Goods	1973	GATT Art. XXIV
EU - Iceland	01-Apr-73	Goods	1972	GATT Art. XXIV
EU - Switzerland - Liechtenstein	01-Jan-73	Goods	1972	GATT Art. XXIV
EU - Overseas Countries and Territories (OCT)	01-Jan-71	Goods	1970	GATT Art. XXIV
EU - Kosovo	01-Apr-16	Goods	Not notified	
MADAGASCAR				
Southern African Development Community (SADC) - Accession of Seychelles	25-May-15	Goods	2016	GATT Art. XXIV
Common Market for Eastern and Southern Africa (COMESA) - Accession of Egypt	17-Feb-99	Goods	2017	Enabling Clause
Southern African Development Community (SADC) - Accession of Madagascar	n.a.	Goods	Not notified	
Common Market for Eastern and Southern Africa (COMESA) - Accession of Madagascar	n.a.	Goods	Not notified	
MAURITIUS				
Southern African Development Community (SADC) - Accession of Seychelles	25-May-15	Goods	2016	GATT Art. XXIV
Turkey - Mauritius	01-Jun-13	Goods	2013	GATT Art. XXIV
Mauritius - Pakistan	30-Nov-07	Goods	2015	Enabling Clause
Southern African Development Community (SADC)	01-Sep-00	Goods	2004	GATT Art. XXIV
Common Market for Eastern and Southern Africa (COMESA) - Accession of Egypt	17-Feb-99	Goods	2017	Enabling Clause
Common Market for Eastern and Southern Africa (COMESA)	08-Dec-94	Goods	1995	Enabling Clause

RTA Name	Date of entry into force	Coverage	GATT/WTO Notification	
			Year	WTO Provision
SEYCHELLES				
Southern African Development Community (SADC) - Accession of Seychelles	25-May-15	Goods	2016	GATT Art. XXIV
Southern African Development Community (SADC)	01-Sep-00	Goods	2004	GATT Art. XXIV
Common Market for Eastern and Southern Africa (COMESA) - Accession of Egypt	17-Feb-99	Goods	2017	Enabling Clause
Common Market for Eastern and Southern Africa (COMESA) - Accession of Seychelles	n.a.	Goods	Not notified	
ZIMBABWE				
Southern African Development Community (SADC) - Accession of Seychelles	25-May-15	Goods	2016	GATT Art. XXIV
Southern African Development Community (SADC)	01-Sep-00	Goods	2004	GATT Art. XXIV
Common Market for Eastern and Southern Africa (COMESA) - Accession of Egypt	17-Feb-99	Goods	2017	Enabling Clause
Common Market for Eastern and Southern Africa (COMESA)	08-Dec-94	Goods	1995	Enabling Clause
Global System of Trade Preferences among Developing Countries (GSTP)	19-Apr-89	Goods	1989	Enabling Clause
Botswana - Zimbabwe	1956, amended in 1988	Goods	Not notified	
Namibia - Zimbabwe	n.a.	Goods	Not notified	

n.a.: Not available.

* The procedure for Mozambique's ratification is still ongoing, thus the agreement is not yet applied.

** The notifications made in February 2013 (see WT/REG332/N/1 and S/C/N/680) stated that: "Provisional application of the Agreement by all signatory parties is expected in the course of the second quarter 2013"; Further notifications to confirm the dates of entry into force between the EU and Central American countries are awaited.

Source: WTO Secretariat.

4.8 Government procurement

4.19. There are no provisions in the Agreement on Government Procurement.

4.9 Intellectual Property Rights

4.20. There are no specific provisions on intellectual property rights in the Agreement apart from a commitment by the Parties in Article 53 (Rendez-vous Clause) to continue negotiations in accordance with Article 3 of the Agreement on a number of issues, including intellectual property rights. In addition, Chapter III on fisheries cooperation does commit the EU to support the ESA States in developing appropriate legal and regulatory instruments on IPRs, and building capacity for their implementation in international trade, eco-labelling and intellectual property protection for inland fisheries and aquaculture development.

4.10 Economic and Development Cooperation

4.21. In Chapter IV the Parties agree to address the developmental needs of the ESA States on the basis of the ESA Development Cooperation Strategy and the jointly agreed Development Matrix. The Matrix, which is described in Annex IV to the Agreement, includes infrastructure development, productive sectors, regional integration, trade policy and regulations, trade development, adjustment cost and institutions. The financing for development cooperation under the Agreement is to be within the framework of the rules and relevant procedures provided for by

the Cotonou Agreement, in particular the programming procedures of the European Development Fund within successive financial frameworks of the EU during the period of the Agreement and of relevant instruments financed by the EU General Budget. Additional resources shall also be mobilized from EU Member States, and other donors (Article 36).

4.22. The areas to be addressed are regional cooperation and integration to ensure trans-regional coordination in all sectors; trade policy and regulations to assist the ESA States to participate more effectively in trade negotiations, in implementing international trade related conventions, trade related legislation and regulatory reforms among others; trade development; trade related infrastructure (including transport, energy and water); building productive capacity; research and development, innovation and technology transfer; trade related adjustment costs; gender mainstreaming; empowerment of local communities; and mainstreaming of environmental issues into trade and development. Focus will be placed on private sector and infrastructure development, natural resources and environment, agriculture, fisheries, services (including tourism) and trade related issues (competition, intellectual property rights, standards, trade facilitation and statistics) (Article 38).

4.23. Title II recognizes the importance of cooperation in developing the private sector which is seen as the main engine of wealth creation. Cooperation will cover inter alia, investment, industrial development and competitiveness enhancement, micro-enterprises, small and medium sized enterprises (SMEs) development, mining and minerals and tourism development and other productive sectors. Cooperation on infrastructure (Title III) covers the development of physical infrastructure (transport, energy, information and communication technology). Title IV aims at cooperation in sustainable management of national resources and the environment, which will cover natural assets, including water resources, and the environment, including biodiversity, and will enhance the linkages between trade and the environment. It will also cover support for the implementation of international environmental agreements, conventions and treaties.

ANNEX 1

1. Table A1.1 shows tariff liberalization by the EU for imports from the ESA States, while Tables A1.2-A1.5 show tariff liberalization respectively by Mauritius, Zimbabwe, the Seychelles and Madagascar for imports from the EU. The indicators are presented by all, agricultural and non-agricultural products and compared to the average MFN tariff in the year of entry into force of the Agreement.

2. In 2012, the EU's average applied MFN tariff was 5.1% overall, and 9.2% and 5.9% for agricultural and non-agricultural products, respectively. Overall 24.6% of the tariff was duty free, with the shares at 18.4% and 26.4% for agricultural and non-agricultural products, respectively. As a result of the Agreement, 99.8% of the tariff became duty free for imports from the ESA States, of which 100% for agricultural products and 99.8% for non-agricultural products. ESA exporters as a result had a relative margin of preference of 100% into the EU market.

Table A1.1 EU: Indicators of MFN tariff rates and preferential rates for imports from ESA (Madagascar, Mauritius, Seychelles and Zimbabwe)

Origin of goods	Year	ALL PRODUCTS			Agricultural products ^a			Non-agricultural products		
		Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)
		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)	
MFN	2012	5.1	7.0	24.6	9.2	12.7	18.4	4.4	5.9	26.4
ESA	2012	0.0	2.7	99.8	0.0	0.0	100.0	0.0	2.7	99.8

a WTO Definition.

Note: Tariff lines subject to in-quota rates are excluded in the computation. For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included. Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the EU authorities.

3. Table A1.2 shows tariff liberalization by Madagascar for imports from the EU. In 2014 Madagascar's overall applied MFN tariff averaged 12.2% overall, and 14.4% and 11.8% respectively for agricultural and non-agricultural products. Around 6% of the tariff overall and for non-agricultural products was duty free, while 6.5% was duty free for agricultural products. As a result of the Agreement's entry into force, Madagascar's average applied tariff for imports from the EU fell to 8.7% overall and 10.2% and 8.4% respectively for agricultural and non-agricultural products. As a result EU exporters to Madagascar had a relative margin of preference of 28.7% overall, and 29.2% and 28.8% respectively for agricultural and non-agricultural products. The share of duty free tariff lines rose to 26.5% overall and 34.7% and 25.1% for agriculture and non-agriculture. At the end of implementation of the Agreement by Madagascar in 2022 87.5% of its tariff is expected to be duty free for imports from the EU, 52% for agricultural products and 93.7% for non-agricultural products.

Table A1.2 Madagascar: Indicators of MFN tariff rates and preferential rates for imports from EU

Origin of goods	Year	ALL PRODUCTS			Agricultural products ^a			Non-agricultural products		
		Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)
		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)	
MFN	2014	12.2	13.0	6.0	14.4	15.4	6.5	11.8	12.5	6.0
EU	2014	8.7	11.8	26.5	10.2	15.6	34.7	8.4	11.2	25.1
	2015	7.9	10.8	26.5	10.0	15.3	34.7	7.6	10.1	25.1

Origin of goods	Year	ALL PRODUCTS			Agricultural products ^a			Non-agricultural products		
		Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)
		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)	
	2016	7.1	9.7	26.5	9.8	15.1	34.7	6.6	8.9	25.1
	2017	7.1	9.7	26.5	9.8	15.1	34.7	6.6	8.9	25.1
	2018	6.3	8.6	26.5	9.7	14.9	34.7	5.7	7.6	25.1
	2019	6.3	8.6	26.5	9.7	14.9	34.7	5.7	7.6	25.1
	2020	4.5	6.1	26.5	9.3	14.2	34.7	3.7	4.9	25.1
	2021	4.5	6.1	26.5	9.3	14.2	34.7	3.7	4.9	25.1
	2022	2.3	18.2	87.5	8.7	18.2	52.0	1.1	18.3	93.7

a WTO Definition.

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the Madagascar authorities.

4. Table A1.3 shows tariff liberalization by Mauritius for imports from the EU. In 2012 Mauritius average applied MFN tariff was 1.1% overall, 1.7% on agricultural imports and 1% on non-agricultural imports. 88.6% of its tariff was duty free, with 87.7% and 88.7% respectively of agricultural and non-agricultural tariffs being duty free. As a result of the Agreement entering into force the share of duty free lines for imports from the EU remained unchanged in 2012 but rose to 89.1% overall in 2013. The share of duty free lines for agricultural and non-agricultural products rose to 90.1% and 89% respectively in 2013. In 2013 the overall tariff for imports from the EU fell to 1%, giving EU exporters a relative margin of preference of 9% overall, 23.5% for agricultural products and 10% for non-agricultural products. By the end of implementation of the Agreement in 2022, the share of duty free lines is expected to rise to 98.2% overall, and 97.9% and 98.3% respectively for agricultural and non-agricultural products.

Table A1.3 Mauritius: Indicators of MFN tariff rates and preferential rates for imports from EU

Origin of goods	Year	ALL PRODUCTS			Agricultural products ^a			Non-agricultural products		
		Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)
		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)	
MFN	2012	1.1	16.5	88.6	1.7	14.1	87.7	1.0	17.3	88.7
EU	2012	1.1	16.5	88.6	1.7	14.1	87.7	1.0	17.3	88.7
	2013	1.0	15.4	89.1	1.3	13.6	90.1	0.9	15.9	89.0
	2014	1.0	14.9	89.1	1.3	13.5	90.1	0.9	15.3	89.0
	2015	0.8	13.0	89.1	1.2	11.8	90.1	0.8	13.4	89.0
	2016	0.8	13.0	89.1	1.2	11.8	90.1	0.8	13.4	89.0
	2017	0.8	14.3	89.8	1.2	12.1	90.5	0.7	14.9	89.8
	2018	0.7	11.6	89.8	0.9	9.3	90.5	0.6	12.4	89.8
	2019	0.7	11.6	89.8	0.9	9.3	90.5	0.6	12.4	89.8
	2020	0.5	9.0	89.8	0.6	6.4	90.5	0.5	9.8	89.8
	2021	0.5	9.0	89.8	0.6	6.4	90.5	0.5	9.8	89.8
	2022	0.3	19.2	98.2	0.3	16.1	97.9	0.3	19.8	98.3

a WTO Definition.

Note: Covers HS chapters 1-97.
Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the Mauritius authorities.

5. Table A1.4 shows tariff liberalization by Seychelles for imports from the EU. In 2013 the Seychelles' overall average applied MFN tariff was 7.2%, and 12.2% and 6.2% respectively for agricultural and non-agricultural products. As a result of entry into force of the Agreement the overall average tariff for imports from the EU declined to 3.1%, and 5.9% and 2.6% for agricultural and non-agricultural products. This gave a relative margin of preference for EU exporters of 57% overall, 51.6% for agricultural products and 58.1% for non-agricultural products. The share of duty free tariff lines for EU imports rose from 84.3% to 87.6% overall, from 73.9% to 83.7% for agricultural products and from 86.2% to 88.3% for non-agricultural products. By the end of implementation in 2022 95.4% of overall tariff lines are expected to be liberalized for imports from the EU, of which 91.3% for agricultural products and 96.1% for non-agricultural products.

Table A1.4 Seychelles: Indicators of MFN tariff rates and preferential rates for imports from EU

Origin of goods	Year	ALL PRODUCTS			Agricultural products ^a			Non-agricultural products		
		Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)
		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)		Overall (%)	On dutiable (%)	
MFN	2013	7.2	45.8	84.3	12.2	47.0	73.9	6.2	45.4	86.2
EU	2013	3.1	24.8	87.6	5.9	36.1	83.7	2.6	21.9	88.3
	2014	2.9	23.6	87.6	5.8	35.6	83.7	2.4	20.6	88.3
	2015	2.4	19.3	87.6	4.7	28.7	83.7	2.0	17.0	88.3
	2016	2.3	18.2	87.6	4.6	28.1	83.7	1.8	15.7	88.3
	2017	2.1	19.6	89.2	4.5	28.0	83.9	1.7	17.1	90.0
	2018	2.0	18.6	89.2	4.4	27.4	83.9	1.6	16.0	90.0
	2019	1.9	17.7	89.2	4.3	26.9	83.9	1.5	15.0	90.0
	2020	1.8	16.5	89.2	4.2	26.3	83.9	1.3	13.6	90.8
	2021	1.7	15.3	89.2	4.1	25.7	83.9	1.2	12.3	90.8
	2022	1.3	29.2	95.4	3.7	43.3	91.3	0.9	23.5	96.1

a WTO Definition.

Note: Based on the HS 2007 nomenclature.

Source: WTO estimates based on data submission from the Seychelles authorities.

6. Table A1.5 shows tariff liberalization by Zimbabwe for imports from the EU. In 2012 Zimbabwe's overall average applied MFN tariff was 15.4%, with the averages being respectively 24.3% for agricultural products and 13.9% for non-agricultural products. Around 10.8% of the tariff was duty free, with the shares being 5.8% for agricultural products and 11.7% for non-agriculture. As a result of the Agreement's entry into force, Zimbabwe's average tariff for imports from the EU fell to 7.1% overall, 8.3% for agricultural imports and 6.9% for non-agricultural imports. As a result EU exporters to Zimbabwe had a relative margin of preference of 53.9% overall, 65.8% in agriculture and 50.4% in non-agricultural exports. The share of duty free lines rose to 30.8% overall, 41.5% for agricultural products and 29.1% for non-agricultural products. At the end of implementation, the share of duty free lines is expected to rise to 85.8% overall, 84.4% for agricultural products and 86.1% for non-agricultural products.

Table A1.5 Zimbabwe: Indicators of MFN tariff rates and preferential rates for imports from EU

Origin of goods	Year	ALL PRODUCTS			Agricultural products ^a			Non-agricultural products		
		Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)	Average applied tariff		Share of duty-free tariff lines (%)
		(%) Overall	(%) On dutiable		(%) Overall	(%) On dutiable		(%) Overall	(%) On dutiable	
MFN	2012	15.4	17.3	10.8	24.3	25.9	5.8	13.9	15.8	11.7
EU	2012	7.1	13.9	48.5	8.3	16.6	47.4	6.9	13.5	48.7
	2013	7.1	13.9	48.5	8.3	16.6	47.4	6.9	13.5	48.7
	2014	6.7	13.2	48.5	7.7	15.4	47.4	6.6	12.8	48.7
	2015	6.7	13.2	48.5	7.7	15.4	47.4	6.6	12.8	48.7
	2016	6.7	13.2	48.5	7.7	15.4	47.4	6.6	12.8	48.7
	2017	6.4	12.5	48.5	7.1	14.2	47.4	6.2	12.2	48.7
	2018	6.2	12.2	48.5	7.0	13.9	47.4	6.1	11.9	48.7
	2019	6.1	11.9	48.5	6.8	13.5	47.4	6.0	11.6	48.7
	2020	5.9	11.5	48.5	6.5	13.0	47.4	5.8	11.3	48.7
	2021	5.1	9.9	48.5	5.6	11.3	47.4	5.0	9.7	48.7
	2022	3.6	26.9	85.8	4.1	37.0	84.4	3.6	25.6	86.1

a WTO Definition.

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the Zimbabwe authorities.

7. Tables A1.6-A1.9 show market access opportunities for the ESA Parties' top 25 exports to the EU market. Table A1.6 shows market access opportunities for Madagascar's top 25 exports which accounted for 54.7% of its total exports and were covered by 89 lines in the EU tariff. Before the Agreement entered into force 17 of these lines were duty free on an MFN basis; following entry into force of the Agreement the remaining lines were liberalized. In 2012 when the Agreement entered into force for the EU, Mauritius' top 25 global exports accounted for 67.8% of its total exports and were covered by 71 tariff lines in the EU tariff (Table A1.7). Of these 12 lines were already duty free on an MFN basis. As a result of the Agreement entering into force the remaining 59 lines were liberalized. Table A1.8 shows market access opportunities for the Seychelles' top 25 exports which accounted for 54.2% of its total exports and were covered by 87 lines in the EU tariff. Before the Agreement entered into force 25 of these lines were already duty free on an MFN basis; following entry into force of the Agreement the remaining 62 lines were liberalized. Table A1.9 shows market access opportunities for Zimbabwe's top 25 exports which accounted for 88.4% of its total exports and were covered by 47 lines in the EU tariff. Of these 47 lines 29 were duty free on an MFN basis. As a result of the Agreement's entry into force the remaining 18 lines became duty free.

Table A1.6 EU: Market access opportunities under the Agreement for Madagascar's top 25 exports to the world

Madagascar's top export products in 2009-2011			Access conditions to EU's import markets			
HS number and description of the product		Share in global exports (%)	MFN 2012			Duty-free in 2012
			Average MFN applied rate (%)	Duty Free	Dutiable Lines	
611011	-- of wool	5.3	11.5		3	3
271019	-- other	5.3	2.6	8	17	17
090710	- neither crushed nor ground	3.4	8.0		1	1

Madagascar's top export products in 2009-2011		Share in global exports (%)	Access conditions to EU's import markets			
HS number and description of the product			MFN 2012			Duty-free in 2012
			Average MFN applied rate (%)	Duty Free	Dutiable Lines	
090720	- crushed or ground	3.4	8.0		1	1
261400	Titanium ores and concentrates.	3.2	0.0	1		
030616	-- cold-water shrimps and prawns (pandalus spp., crangon crangon)	3.0	16.7		3	3
030617	-- other shrimps and prawns	3.0	14.3		6	6
160414	-- tunas, skipjack and bonito (sarda spp.)	2.8	24.3		4	4
620462	-- of cotton	2.8	12.0		7	7
330129	-- other	2.3	1.6	2	4	4
611020	- of cotton	2.2	12.0		3	3
621410	- of silk or silk waste	2.0	8.0		1	1
620342	-- of cotton	1.9	12.0		7	7
261000	Chromium ores and concentrates.	1.6	0.0	1		
611012	-- of kashmir (cashmere) goats	1.5	12.0		2	2
880240	- aeroplanes and other aircraft, of an unladen weight exceeding 15,000 kg	1.4	2.7		1	1
620520	- of cotton	1.2	12.0		1	1
180100	Cocoa beans, whole or broken, raw or roasted.	1.1	0.0	1		
710310	- unworked or simply sawn or roughly shaped	1.1	0.0	1		
090510	- neither crushed nor ground	1.1	6.0		1	1
090520	- crushed or ground	1.1	6.0		1	1
081290	- other	1.0	7.2		5	5
420500	Other articles of leather or of composition leather.	1.0	2.5		3	3
200559	-- other	0.9	19.2		1	1
490700	Unused postage, revenue or similar stamps of current or new issue in the country in which they have, or will have, a recognised face value; stamp-impressed paper; banknotes; cheque forms; stock, share or bond certificates and similar documents of title.	0.9	0.0	3		
Total of above		54.7		17	72	72

Note: For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included.
Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the EU authorities and UNSD, Comtrade database.

Table A1.7 EU: Market access opportunities under the Agreement for Mauritius' top 25 exports to the world

Mauritius' top export products in 2009-2011		Share in global exports (%)	Access conditions to EU's import markets			
HS number and description of the product			MFN 2012			Duty-free in 2012
			Average MFN applied rate (%)	Duty Free	Dutiable Lines	
610910	- of cotton	12.4	12.0		1	1
160414	-- tunas, skipjack and bonito (sarda spp.)	12.2	24.3		4	4
620520	- of cotton	6.3	12.0		1	1
170113	-- cane sugar specified in subheading note 2 to this chapter	4.4	-		2	2
170114	-- other cane sugar	4.4	-		2	2
170199	-- other	4.3	-		2	2
620342	-- of cotton	4.2	12.0		7	7

Mauritius' top export products in 2009-2011			Access conditions to EU's import markets			
HS number and description of the product		Share in global exports (%)	MFN 2012			Duty-free in 2012
			Average MFN applied rate (%)	Duty Free	Dutiable Lines	
610990	- of other textile materials	3.0	12.0		2	2
710239	Medium oils and preparations, of petroleum or bituminous minerals, not containing biodiesel, n.e.s.	2.1	0.0	1		
711319	-- of other precious metal, whether or not plated or clad with precious metal	1.8	2.5		1	1
620462	-- of cotton	1.8	12.0		7	7
610510	- of cotton	1.6	12.0		1	1
300490	Medicaments consisting of mixed or unmixed products for therapeutic or prophylactic purposes, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale	1.4	0.0	1		
010611	-- primates	1.2	0.0	1		
611020	- of cotton	1.2	12.0		3	3
510610	- containing 85 % or more by weight of wool	0.7	3.8		2	2
230990	Preparations of a kind used in animal feeding (excl. dog or cat food put up for retail sale)	0.7	6.4	1	14	14
520942	-- denim	0.6	8.0		1	1
611090	- of other textile materials	0.6	12.0		2	2
392390	- other	0.5	6.5		1	1
901890	- other instruments and appliances	0.5	0.0	8		
610462	-- of cotton	0.5	12.0		1	1
610442	-- of cotton	0.5	12.0		1	1
611011	-- of wool	0.5	11.5		3	3
420310	- articles of apparel	0.5	4.0		1	1
Total of above		67.8		12	59	59

- contains specific duties only.

Note: For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included.
Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the EU authorities and UNSD, Comtrade database.

Table A1.8 EU: Market access opportunities under the Agreement for Seychelles' top 25 exports to the world

Seychelles' top export products in 2009-2011			Access conditions to EU's import markets			
HS number and description of the product		Share in global exports (%)	MFN 2012			Duty-free in 2012
			Average MFN applied rate (%)	Duty Free	Dutiable Lines	
890510	- dredgers	28.2	0.9	1	1	1
160414	-- tunas, skipjack and bonito (sarda spp.)	5.5	24.3		4	4
030232	-- yellowfin tunas (thunnus albacares)	3.7	11.0	1	1	1
030349	-- other	3.2	11.0	1	1	1
880330	- other parts of aeroplanes or helicopters	1.5	2.7		1	1
030342	-- yellowfin tunas (thunnus albacares)	1.5	4.4	4	1	1

Seychelles' top export products in 2009-2011			Access conditions to EU's import markets			
HS number and description of the product		Share in global exports (%)	MFN 2012			
			Average MFN applied rate (%)	Duty Free	Dutiable Lines	Duty-free in 2012
490700	Unused postage, revenue or similar stamps of current or new issue in the country in which they have, or will have, a recognised face value; stamp-impressed paper; banknotes; cheque forms; stock, share or bond certificates and similar documents of title.	1.4	0.0	3		
030569	-- other	1.4	12.8		4	4
880390	- other	1.1	2.0		4	4
150420	- fats and oils and their fractions, of fish, other than liver oils	1.0	5.5	1	1	1
901890	- other instruments and appliances	0.8	0.0	8		
890391	-- sailboats, with or without auxiliary motor	0.8	0.9	1	1	1
030559	-- other	0.6	12.4		5	5
030229	-- other	0.6	15.0		2	2
852610	- radar apparatus	0.6	3.7		1	1
901590	- parts and accessories	0.5	2.7		1	1
030799	-- other	0.4	11.6		5	5
030239	-- other	0.3	11.0	1	1	1
030510	- flours, meals and pellets of fish, fit for human consumption	0.2	13.0		1	1
230990	- other	0.2	6.4	1	14	14
080111	-- desiccated	0.1	0.0	1		
730840	- equipment for scaffolding, shuttering, propping or pitpropping	0.1	0.0	1		
731100	Containers for compressed or liquefied gas, of iron or steel.	0.1	2.7		6	6
490810	- transfers (decalcomanias), vitrifiable	0.1	0.0	1		
852910	- aerials and aerial reflectors of all kinds; parts suitable for use therewith	0.1	3.9		7	7
Total of above		54.2		25	62	62

Note: For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included.
Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the EU authorities and UNSD, Comtrade database.

Table A1.9 EU: Market access opportunities under the Agreement for Zimbabwe's top 25 exports to the world

Zimbabwe's top export products in 2009-2011			Access conditions to EU's import markets			
HS number and description of the product		Share in global exports (%)	MFN 2012			
			Average MFN applied rate (%)	Duty Free	Dutiable Lines	Duty-free in 2012
490700	Unused postage, revenue or similar stamps of current or new issue in the country in which they have, or will have, a recognised face value; stamp-impressed paper; banknotes; cheque forms; stock, share or bond certificates and similar documents of title.	15.5	0.0	3		
240120	- tobacco, partly or wholly stemmed/stripped	14.3	11.2		5	5
750110	- nickel mattes	13.6	0.0	1		
260400	Nickel ores and concentrates.	8.7	0.0	1		
710813	-- other semi-manufactured forms	7.8	0.0	2		

Zimbabwe's top export products in 2009-2011			Access conditions to EU's import markets			
HS number and description of the product		Share in global exports (%)	MFN 2012			Duty-free in 2012
			Average MFN applied rate (%)	Duty Free	Dutiable Lines	
520100	Cotton, not carded or combed.	5.6	0.0	2		
710221	-- unworked or simply sawn, cleaved or bruted	5.1	0.0	1		
720241	-- containing by weight more than 4 % of carbon	3.8	4.0		2	2
060390	Dried, dyed, bleached, impregnated or otherwise prepared cut flowers and buds, of a kind suitable for bouquets or for ornamental purposes	2.5	10.0		1	1
710210	Diamonds, unsorted	1.4	0.0	1		
240220	- cigarettes containing tobacco	1.3	33.8		2	2
711011	-- unwrought or in powder form	1.1	0.0	1		
170113	-- cane sugar specified in subheading note 2 to this chapter	0.9	0.0		2	2
170114	-- other cane sugar	0.9	0.0		2	2
270400	Coke and semi-coke of coal, of lignite or of peat, whether or not agglomerated; retort carbon.	0.8	0.0	4		
261000	Chromium ores and concentrates.	0.7	0.0	1		
252329	Portland cement (excl. white, whether or not artificially coloured)	0.6	1.7		1	1
060315	-- lilies (lilium spp.)	0.6	9.7		1	1
060319	Fresh cut flowers and buds, of a kind suitable for bouquets or for ornamental purposes (excl. roses, carnations, orchids, chrysanthemums and lilies)	0.6	9.7		2	2
410320	- of reptiles	0.5	0.0	1		
251612	-- merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape	0.4	0.0	1		
750210	- nickel, not alloyed	0.4	0.0	1		
090240	- other black tea (fermented) and other partly fermented tea	0.4	0.0	1		
970500	Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, palaeontological, ethnographic or numismatic interest.	0.4	0.0	1		
440710	Coniferous wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness of > 6 mm	0.3	0.0	7		
Total of above		88.4		29	18	18

Note: For the calculation of averages, specific rates are excluded and the *ad valorem* parts of alternate rates are included.
Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the EU authorities and UNSD, Comtrade database.

8. Tables A1.10-A1.13 show market access opportunities for the EU's top 25 exports to the ESA Parties' markets. Table A1.10 shows market access opportunities for the EU's top 25 exports which accounted for 31.1% of its total exports to Madagascar and were covered by 56 lines in Madagascar's tariff. Before the Agreement entered into force 19 of these lines were duty free on an MFN basis; with the entry into force of the Agreement, nine tariff lines became duty free in 2014 and 27 tariff lines will become duty free in 2022. One tariff line relating to sanitary towels will remain subject to duty for which the MFN rate in 2014 was 20%. In 2009-11 before the Agreement entered into force for the EU, its top 25 global exports accounted for 25.2% of its total exports to Mauritius and were covered by 76 tariff lines in Mauritius' tariff. Of these 75 lines were already duty free on an MFN basis. As a result of the Agreement entering into force the remaining one line was liberalized in 2013 (Table A1.11). Table A1.12 shows market access opportunities for the EU's top 25 exports which accounted for 26.6% of its total exports to the Seychelles and were covered by 70 lines in Seychelles' tariff. Before the Agreement entered into force 32 of these lines were already duty free on an MFN basis; at the entry into force of the Agreement, in 2013, 11

lines were liberalized and two tariff lines in 2017. Following the end of implementation 25 lines will remain subject to duties, all of which relate to imports of motor vehicles.

9. Table A1.13 shows market access opportunities for the EU's top 25 exports which accounted for 28.2% of its total exports to Zimbabwe and were covered by 58 lines in Zimbabwe's tariff. Of these 58 lines 11 were duty free on an MFN basis. At the entry into force of the Agreement, an additional eight tariff lines became duty free and nine tariff lines will become duty free in 2022. After the full implementation by Zimbabwe of its tariff elimination programme, 30 tariff lines will remain dutiable, including for motor vehicles, light oils, non-industrial diamonds, and jewellery.

Table A1.10 Madagascar: Market access opportunities under the agreement for EU's top 25 exports to the world

EU's top export products in 2011-2013		Access Conditions to Madagascar's import markets						
HS number and description of the product		Share in global exports (%)	MFN 2014			No. of duty free lines under the agreement		Remain Dutiable
			Average MFN applied rate (%)	No. of duty free lines	No. of dutiable lines	2014	2022	
300210	- antisera, other blood fractions and immunological products, whether or not modified or obtained by means of biotechnological processes	5.1	0.0	1				
300490	Medicaments consisting of mixed or unmixed products for therapeutic or prophylactic purposes, put up in measured doses	3.2	0.0	1				
271019	Medium oils and preparations, of petroleum or bituminous minerals, not containing biodiesel, n.e.s.	3.0	0.0	9				
870323	-- of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc	2.8	15.0		3		3	
271012	-- light oils and preparations	2.0	0.0	6				
880240	- aeroplanes and other aircraft, of an unladen weight exceeding 15,000 kg	1.9	5.0		1		1	
710813	-- other semi-manufactured forms	1.8	20.0		2		2	
870324	-- of a cylinder capacity exceeding 3,000 cc	1.5	15.0		3		3	
961900	Sanitary towels (pads) and tampons, napkins and napkin liners for babies and similar articles, of any material.	1.1	20.0		1			1
870332	-- of a cylinder capacity exceeding 1,500 cc but not exceeding 2,500 cc	0.9	15.0		3		3	
710231	-- unworked or simply sawn, cleaved or bruted	0.7	20.0		1		1	
841191	-- of turbo-jets or turbo-propellers	0.6	10.0		1		1	
870899	Parts and accessories, for tractors, motor vehicles for the transport of ten or more persons, motor cars and other motor vehicles principally designed for the transport of persons, motor vehicles for the transport of goods and special purpose motor vehicles, n.e.s.	0.6	10.0		1		1	
880330	- other parts of aeroplanes or helicopters	0.6	10.0		1		1	
841112	-- of a thrust exceeding 25 kn	0.6	5.0		1	1		
710812	-- other unwrought forms	0.6	20.0		1		1	
851712	-- telephones for cellular networks or for other wireless networks	0.6	10.0		1		1	
848180	- other appliances	0.5	10.0		1	1		

EU's top export products in 2011-2013			Access Conditions to Madagascar's import markets					
HS number and description of the product		Share in global exports (%)	MFN 2014			No. of duty free lines under the agreement		Remain Dutiable
			Average MFN applied rate (%)	No. of duty free lines	No. of dutiable lines	2014	2022	
711319	-- of other precious metal, whether or not plated or clad with precious metal	0.5	20.0		4		4	
870840	- gear boxes and parts thereof	0.4	10.0		1		1	
847989	Machines and mechanical appliances, n.e.s.	0.4	5.0		7	7		
271020	- petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals	0.4	0.0	1				
901890	- other instruments and appliances	0.4	0.0	1				
851762	-- machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	0.4	10.0		1		1	
870322	-- of a cylinder capacity exceeding 1,000 cc but not exceeding 1,500 cc	0.4	15.0		3		3	
Totals		31.1		19	37	9	27	1

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data provided by the Madagascar authorities and Eurostat.

Table A1.11 Mauritius: Market access opportunities under the agreement for EU's top 25 exports to the world

EU's top export products in 2009-2011			Access Conditions to Mauritius' import markets			
HS number and description of the product		Share in global exports (%)	MFN 2012			No. of duty free lines under the agreement 2013
			Average MFN applied rate (%)	No. of duty free lines	No. of dutiable lines	
300490	Medicaments consisting of mixed or unmixed products for therapeutic or prophylactic purposes, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale	3.8	0.0	1		
870323	-- of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc	2.5	0.0	16		
271020	- petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals	2.5	0.0	1		
880240	- aeroplanes and other aircraft, of an unladen weight exceeding 15,000 kg	1.9	0.0	1		
870324	-- of a cylinder capacity exceeding 3,000 cc	1.6	0.0	8		

EU's top export products in 2009-2011		Access Conditions to Mauritius' import markets				
HS number and description of the product		Share in global exports (%)	MFN 2012			No. of duty free lines under the agreement 2013
			Average MFN applied rate (%)	No. of duty free lines	No. of dutiable lines	
271019	Medium oils and preparations, of petroleum or bituminous minerals, not containing biodiesel, n.e.s.	1.3	0.0	11		
271012	-- light oils and preparations	1.1	0.0	2		
710813	-- other semi-manufactured forms	0.9	0.0	1		
870332	-- of a cylinder capacity exceeding 1,500 cc but not exceeding 2,500 cc	0.8	0.0	16		
300210	- antisera, other blood fractions and immunological products, whether or not modified or obtained by means of biotechnological processes	0.7	0.0	1		
841191	-- of turbo-jets or turbo-propellers	0.7	0.0	1		
710231	-- unworked or simply sawn, cleaved or bruted	0.7	0.0	1		
870899	Parts and accessories, for tractors, motor vehicles for the transport of ten or more persons, motor cars and other motor vehicles principally designed for the transport of persons, motor vehicles for the transport of goods and special purpose motor vehicles, n.e.s.	0.7	10.0	2	1	1
880330	- other parts of aeroplanes or helicopters	0.7	0.0	1		
851712	-- telephones for cellular networks or for other wireless networks	0.7	0.0	1		
848180	- other appliances	0.6	0.0	1		
841112	-- of a thrust exceeding 25 kn	0.6	0.0	1		
710812	-- other unwrought forms	0.5	0.0	1		
711319	-- of other precious metal, whether or not plated or clad with precious metal	0.5	0.0	2		
851770	Parts of telephone sets, telephones for cellular networks or for other wireless networks and of other apparatus for the transmission or reception of voice, images or other data, n.e.s.	0.4	0.0	1		
901890	- other instruments and appliances	0.4	0.0	1		
854231	-- processors and controllers, whether or not combined with memories, converters, logic circuits, amplifiers, clock and timing circuits, or other circuits	0.4	0.0	1		
851762	-- machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	0.4	0.0	1		
293399	Heterocyclic compounds with nitrogen hetero-atom[s] only	0.4	0.0	1		
847330	- parts and accessories of the machines of heading 84.71	0.4	0.0	1		
Totals		25.2		75	1	1

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the Mauritius authorities and Eurostat.

Table A1.12 Seychelles: Market access opportunities under the agreement for EU's top 25 exports to the world

EU's top export products in 2010-2012			Access Conditions to Seychelles' import markets					
HS number and description of the product		Share in global exports (%)	MFN 2013			No. of duty free lines under the agreement		Remain Dutiable
			Average MFN applied rate (%)	No. of duty free lines	No. of dutiable lines	2013	2017	
300490	Medicaments consisting of mixed or unmixed products for therapeutic or prophylactic purposes, put up in measured doses	3.6	0.0	1				
271019	Medium oils and preparations, of petroleum or bituminous minerals, n.e.s.	3.0	4.5		10	10		
870323	-- of a cylinder capacity exceeding 1,500 cc but not exceeding 3,000 cc	2.8	16.0	3	12			12
271011	-- light oils and preparations	2.5	2.0	1	1	1		
880240	- aeroplanes and other aircraft, of an unladen weight exceeding 15,000 kg	1.9	0.0	1				
870324	-- of a cylinder capacity exceeding 3,000 cc	1.7	16.0	1	4			4
710813	-- other semi-manufactured forms	0.9	0.0	1				
870332	-- of a cylinder capacity exceeding 1,500 cc but not exceeding 2,500 cc	0.9	16.3	3	9			9
710231	-- unworked or simply sawn, cleaved or bruted	0.8	0.0	1				
870899	Parts and accessories, for tractors, motor vehicles for the transport of ten or more persons, motor cars and other motor vehicles principally designed for the transport of persons, motor vehicles for the transport of goods and special purpose motor vehicles, n.e.s.	0.7	100.0	2	2		2	
841191	-- of turbo-jets or turbo-propellers	0.7	0.0	1				
880330	- other parts of aeroplanes or helicopters	0.7	0.0	1				
851712	-- telephones for cellular networks or for other wireless networks	0.7	0.0	1				
710812	-- other unwrought forms	0.6	0.0	1				
300210	- antisera and other blood fractions and modified immunological products, whether or not obtained by means of biotechnological processes	0.6	0.0	1				
841112	-- of a thrust exceeding 25 kn	0.6	0.0	1				
848180	- other appliances	0.5	0.0	1				
711319	-- of other precious metal, whether or not plated or clad with precious metal	0.5	0.0	1				
847989	Machines and mechanical appliances, n.e.s.	0.5	0.0	1				
300220	- vaccines for human medicine	0.4	0.0	1				
901890	- other instruments and appliances	0.4	0.0	1				
870840	- gear boxes and parts thereof	0.4	0.0	1				
851762	-- machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus	0.4	0.0	1				
848620	- machines and apparatus for the manufacture of semiconductor devices or of electronic integrated circuits	0.4	0.0	1				
220421	-- in containers holding 2 l or less	0.4	0.0	4				
Totals		26.6		32	38	11	2	25

Note: Based on the HS 2007 nomenclature.

Source: WTO estimates based on data submission from the Seychelles authorities and Eurostat.

Table A1.13 Zimbabwe: Market access opportunities under the agreement for EU's top 25 exports to the world

EU's top export products in 2014-2016		Access Conditions to Zimbabwe's import markets						
HS number and description of the product		Share in global exports (%)	MFN 2012			No. of duty free lines under the agreement		Remain Dutiable
			Average MFN applied rate (%)	No. of duty free lines	No. of dutiable lines	2012	2022	
300490	Medicaments consisting of mixed or unmixed products for therapeutic or prophylactic purposes, put up in measured doses "incl. those in the form of transdermal administration" or in forms or packings for retail sale	3.8	6.7	1	2	1	1	
870323	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, with spark-ignition internal combustion reciprocating piston engine of a cylinder capacity > 1.500 cm ³ but <= 3.000 cm ³	3.7	35.0		6			6
880240	Aeroplanes and other powered aircraft of an of an unladen weight > 15.000 kg	2.6	2.5	1	1	1		
271019	Medium oils and preparations, of petroleum or bituminous minerals, not containing biodiesel, n.e.s.	2.2	9.2	2	4		4	
271012	Light oils and preparations	1.9	10.8	1	5			5
710813	Gold, incl. gold plated with platinum, in semi-manufactured forms, for non-monetary purposes	1.5	15.0		1	1		
870324	Motor cars and other motor vehicles principally designed for the transport of persons, of a cylinder capacity > 3.000 cm ³	1.4	35.0		3			3
300210	Antisera and other blood fractions and immunological products, whether or not modified or obtained by means of biotechnological processes	1.1	0.0	1				
870332	Motor cars and other motor vehicles principally designed for the transport of persons, of a cylinder capacity > 1.500 cm ³ but <= 2.500 cm ³	1.0	35.0		6			6
841112	Turbojets of a thrust > 25 kn	0.8	5.0		1	1		
880330	Parts of aeroplanes or helicopters, n.e.s.	0.7	2.5	1	1	1		
841191	Parts of turbojets or turbopropellers, n.e.s.	0.7	5.0		1		1	
710231	Non-industrial diamonds unworked or simply sawn, cleaved or bruted	0.6	5.0		1			1
711319	Articles of jewellery and parts thereof, of precious metal other than silver, whether or not plated or clad with precious metal	0.6	27.5		2			2
870899	Parts and accessories, for tractors, motor vehicles for the transport of ten or more persons, motor cars and other motor vehicles principally designed for the transport of persons, motor vehicles for the transport of goods and special purpose motor vehicles, n.e.s.	0.6	7.5		2			2
848180	Other appliances	0.6	22.5		2		2	
870840	Gear boxes and parts thereof	0.5	7.5		2	2		

EU's top export products in 2014-2016		Access Conditions to Zimbabwe's import markets						
HS number and description of the product		Share in global exports (%)	MFN 2012			No. of duty free lines under the agreement		Remain Dutiable
			Average MFN applied rate (%)	No. of duty free lines	No. of dutiable lines	2012	2022	
851762	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, incl. switching and routing apparatus	0.5	0.0	1				
300220	Vaccines for human medicine	0.5	0.0	1				
870322	Motor cars and other motor vehicles principally designed for the transport of persons, incl. station wagons and racing cars, of a cylinder capacity > 1.000 cm ³ but ≤ 1.500 cm ³	0.5	30.0		3			3
853710	Boards, cabinets and similar combinations of apparatus for electric control or the distribution of electricity, for a voltage ≤ 1.000 v	0.5	20.0		1			1
854231	Electronic integrated circuits as processors and controllers, whether or not combined with memories, converters, logic circuits, amplifiers, clock and timing circuits, or other circuits	0.5	10.0		1	1		
901890	Instruments and appliances used in medical, surgical or veterinary sciences, n.e.s.	0.5	0.0	1				
847989	Machines and mechanical appliances, n.e.s.	0.4	2.5	1	1		1	
710812	Gold, incl. gold plated with platinum, unwrought, for non-monetary purposes	0.4	5.0		1			1
Totals		28.2		11	47	8	9	30

Note: Based on the HS 2012 nomenclature.

Source: WTO estimates based on data submission from the Zimbabwe authorities and Eurostat.