

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

AG/FOR/W/ZAF/1

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Special Distribution

Committee on Trade in Agriculture

INFORMATION ON MEASURES AFFECTING TRADE SUBMITTED BY SOUTH AFRICA

Note by the Secretariat

1. This note has been prepared by the secretariat in order to facilitate the organization of the discussion in the Committee, notably with respect to Exercise A, as it was suggested by the Chairman at the meeting in June 1983 (AG/M/2, para. 23). It provides a summary of the information on measures affecting trade submitted by South Africa in document AG/FOR/ZAF/1 and Corr.1.

2. The information covers all products falling within CCCN Chapters 1 to 24, with the exception of the following CCCN headings which South Africa considers as industrial products: 05.01, 05.02, 05.03, 05.14, 13.02, 13.03, 15.03, 15.05, 15.08, 15.10, 15.11, 15.12, 15.15, 15.17, 17.01, 17.02, 17.04, 17.05, 18.03, 18.04, 18.05, 18.06, 19.03, 19.04, 19.08, 21.03, 21.04, 21.06, 22.01, 22.02, 22.03, 23.05 and 24.02. South Africa has also submitted information on CCCN headings 41.01, 43.01, 53.01, 53.02, 53.03, 53.04, 53.05, 54.01, 54.02, 55.01, 55.02 and 55.03.

Measures affecting export

3. South Africa has notified the following types of measures in column 5 (charges, prohibitions and other restrictions) as applying to the following number of CCCN headings: discretionary licensing (8 CCCN lines at four-digit level and 20 partial lines), liberal licensing (1 CCCN line and 1 partial line), automatic licensing (5 CCCN lines), (unspecified) licensing (3 CCCN lines and 1 partial line), and minimum prices (1 CCCN line and 2 partial lines).

4. As regards licensing measures, the references to GATT provisions and classifications indicated by South Africa vary by CCCN heading. Most licensing measures are classified under (a) "measures taken by virtue of provisions with special reference to agriculture in the General Agreement", and the GATT reference indicated is either Article XI:2b (discretionary licensing on 1 CCCN heading and 4 partial headings, automatic licensing on 5 CCCN headings, and unspecified licensing on 2 CCCN headings and 1 partial heading), Article XXb

(discretionary licensing on 3 CCCN headings and 13 partial headings, liberal licensing on 1 CCCN heading, and unspecified licensing on 1 CCCN heading), or Article XXg (discretionary licensing on 1 CCCN heading and 3 partial headings). For certain other licensing measures however, a reference to "existing legislation pre-dating the GATT" is made (discretionary licensing on 3 CCCN headings and liberal licensing on 1 partial heading). These measures are classified under (b) "measures taken by virtue of waivers granted under Article XXV:5, or of provisions of protocols of provisional application or accession."

5. As regards the other types of measures South Africa has indicated in Column 5, reference is made to Article XXh and classification (a) in connection with minimum prices applied under the International Dairy Arrangement.

6. In addition, South Africa has notified State trading enterprises (affecting 10 CCCN lines and 19 partial lines). Article XVII is indicated as relevant to this measure and it is classified under (f) "all other measures". South Africa has notified in column 7 (other) production control (applying to 5 CCCN lines and 5 partial lines) and stocking requirements (on 5 CCCN lines). As regards production control, reference is made to either Article XXg (3 CCCN headings and 4 partial headings), Article XI:2c (1 CCCN heading and 1 partial heading) or Article XXh (1 CCCN heading). Classification (a) is indicated in all cases of production control. Stocking requirements are classified under (e) "measures not explicitly provided for in the General Agreement".

Measures affecting import

(i) Tariffs

7. 7 CCCN lines (at four-digit level) are fully bound, 73 CCCN lines are partially bound, and 58 CCCN lines are not bound at all. Article II is referred to in all cases. Classification (f) is indicated for full bindings, classifications (c) and (f) are indicated for partial bindings, and classification (c) for headings not bound. Classification (c) refers to "measures resulting from the lack of observance or application of certain provisions of the General Agreement". In an explanatory note to its submission, South Africa states that the classifications opposite tariffs and bindings: "have been done in accordance with the guidelines suggested by the GATT secretariat and in accordance with the example given on page 7 of the document AG/W/2. Compliance with these guidelines should, however, not be construed as an acknowledgement by South Africa that it does not observe or apply certain provisions of the General Agreement."

8. No tariff preferences have been notified by South Africa.

(ii) Other measures

9. South Africa has notified the following types of measures in column 10 (licensing and import restrictions) affecting the following number of CCCN headings: discretionary licensing (12 CCCN lines at four-digit level and 23 partial lines), licensing (unspecified) (59 CCCN lines and 17 partial lines) and liberal licensing (5 CCCN lines and 2 partial lines).

10. The references to GATT provisions and classifications indicated by South Africa on licensing measures vary by CCCN heading. Most licensing measures are classified under (a) and the GATT reference indicated is either Article XI:2b (discretionary licensing on 4 CCCN headings and 2 partial headings, liberal licensing on 1 CCCN heading and 1 partial heading, and unspecified licensing on 15 CCCN headings and 8 partial headings), Article XI:2c (discretionary licensing on 3 CCCN headings and 2 partial headings and unspecified licensing on 4 CCCN headings and 2 partial headings), or Article XXb (discretionary licensing on 4 CCCN headings and 15 partial headings, liberal licensing on 4 CCCN headings and 1 partial heading and unspecified licensing on 40 CCCN headings and 7 partial headings). For certain other licensing measures, however, reference is made to "existing legislation pre-dating the GATT" (discretionary licensing on 1 CCCN heading and 3 partial headings). These measures are classified under (b).

11. Other types of measures affecting import that South Africa has notified are: sanitary regulations (affecting 2 CCCN headings), phyto-sanitary regulations (on 4 CCCN headings) and State trading enterprises (on 10 CCCN headings and 20 partial headings). As regards sanitary and phyto-sanitary regulations, reference is made to Article XXb and these measures are classified under (a). Article XVII:1 is indicated for State trading enterprises and they are classified under (f).

Summary¹

12. South Africa has classified eight types of measures (discretionary licensing, liberal licensing, automatic licensing, unspecified licensing, minimum prices, production control, sanitary regulations, and phyto-sanitary regulations) affecting 117 CCCN headings fully or partially under (a). It has classified two types of measures (discretionary licensing, liberal licensing) affecting 3 CCCN headings and 1 partial heading under (b). One type of measure (unbound tariffs) affecting 58 CCCN headings and 73 headings partially has been classified under (c). No measures have been classified by South Africa under (d). One type of measure (stocking requirements) affecting 5 CCCN headings has been classified under (e). Two types of measures (bound tariffs and State trading enterprises) affecting 100 CCCN headings fully or partially have been classified under (f).

¹Not all the types of measures indicated for a particular classification apply to all the CCCN lines cited but sometimes some of the measures apply to the same tariff lines.