

PROTOCOL 4**Concerning the relationship between the TDCA and this Agreement**

1. As of the date of entry into force of this Agreement pursuant to Article 113 of this Agreement:
 - (a) the following provisions of TDCA are hereby repealed:
 - (i) Articles contained in Titles II (Trade) and III (Trade-Related Issues) and its corresponding annexes and Protocols, with the exception of Article 31 (Maritime transport) which remains applicable in relations between the Parties to the TDCA;
 - (ii) Paragraphs 9 and 10 of Article 104;
 - (iii) Paragraphs 5 and 7 of the attachment to the exchange of letters contained in Annex X to the TDCA.
 - (b) the Cooperation Council established under Article 97 of the TDCA shall no longer have the power to take any legally binding decisions in respect of the matters covered by the provisions repealed pursuant to paragraph (a)
 - (c) the dispute settlement mechanism established under Article 104 of the TDCA shall no longer be available to the TDCA Parties for disputes relating to the application or interpretation of provisions repealed pursuant to paragraph (a)
 2. In case of provisional application of this Agreement by the EU and ratification by South Africa pursuant to Article 113 of this Agreement:
 - (a) the application of Articles to be repealed under paragraph 1 shall be suspended.
 - (b) the Cooperation Council established under Article 97 of the TDCA shall not have the power to take any legally binding decisions in respect of the matters covered by the provisions suspended pursuant to paragraph 2(a).
 - (c) the dispute settlement mechanism established under Article 104 of the TDCA shall not be available to the TDCA Parties for disputes relating to the application or interpretation of provisions suspended pursuant to paragraph 2(a).
 3. In the event of any inconsistency between the TDCA and this Agreement, this Agreement shall prevail to the extent of the inconsistency.
-