

2. Nothing in paragraph 1 prevents the institutions established under this Agreement from making decisions which are different to, revoke or supersede the decisions deemed to have been adopted by the institutions listed in paragraph 1.
3. In this Article, '*mutatis mutandis*' means with the technical changes necessary to apply the decisions as if they had been taken by the SACU Member States, and Mozambique and the UK.

PART VI

GENERAL AND FINAL PROVISIONS

ARTICLE 105

Definition of the Parties and fulfilment of obligations

1. The Parties of this Agreement shall be Botswana, Eswatini, Lesotho, Namibia, South Africa and Mozambique, of the one part ("the SACU Member States and Mozambique"), and the United Kingdom of Great Britain and Northern Ireland, of the other part ("the UK").
2. The term "Party" shall refer to the SACU Member States or Mozambique individually on the one part or the UK on the other part as the case may be.
3. Where reference is made to SACU in this Agreement, as in Articles 25(1), 34, 35 and 101(2) and in PART III, Botswana, Eswatini, Lesotho, Namibia and South Africa, shall act collectively as provided for in the SACU Agreement.
4. The Joint Council may decide to modify the application of paragraph 3.
5. The Parties shall adopt any general or specific measures required to fulfil their obligations under this Agreement and shall ensure that they comply with the objectives laid down in this Agreement.

ARTICLE 106

Exchange of information

1. In order to facilitate communication relating to the effective implementation of this Agreement, the Parties shall designate a coordinator for the exchange of information upon entry into force of this Agreement. The designation of a coordinator for the exchange of information is without prejudice to the specific designation of competent authorities under specific provisions of this Agreement.
2. At the request of either Party, the coordinator of the other Party shall indicate the office or official responsible for any matter pertaining to the implementation of this Agreement and provide the required support to facilitate communication with the requesting Party.
3. At the request of either Party, the other Party shall, to the extent legally possible, provide information and reply promptly to any question relating to an actual or proposed measure that might affect trade between the Parties.

ARTICLE 107

Transparency

1. A Party shall publish or make publicly available its laws, regulations, procedures and administrative rulings of general application as well as any other commitments under an international agreement relating to any trade matter covered by this Agreement. Any such measures adopted after the entry into force of this Agreement shall be brought to the attention of the other Party.
2. Without prejudice to specific transparency provisions in this Agreement, the information referred to under this Article shall be considered to have been brought to the attention of the other Party when the information has been made available:
 - (a) by appropriate notification to the WTO; or
 - (b) on the official, fee-free and publicly accessible website; or
 - (c) to the coordinator of the other Party.

However, where the UK has provided such information and it has not been notified to the WTO through an official, fee-free and publicly accessible website, the SACU Member States or Mozambique, which, because of capacity constraints, have difficulties accessing such a website, may request the UK to provide such information to the relevant coordinator.

3. Nothing in this Agreement shall require any Party to provide confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private, except to the extent that it may be necessary to be disclosed in the context of a dispute settlement proceeding under this Agreement. Where such disclosure is considered necessary by a panel established under PART III, the panel shall ensure that confidentiality is fully protected.

ARTICLE 108

Temporary difficulties in implementation

A Party encountering difficulties in meeting its obligations under this Agreement as a result of factors beyond its control shall immediately bring the matter to the attention of the Joint Council.

ARTICLE 109

Regional preferences

1. Nothing in this Agreement shall oblige a Party to extend to the other Party any more favourable treatment which is applied by a Party as part of its respective regional integration process.
2. Any more favourable treatment and advantage that may be granted under this Agreement by a SACU Member State or Mozambique to the UK shall be enjoyed by the other SACU Member States and Mozambique.

ARTICLE 110

Relations with the TDCA

The relationship between this Agreement and the TDCA shall be governed by the provisions of Protocol 4.

ARTICLE 111

Relations with the WTO Agreement

The Parties agree that nothing in this Agreement requires them to act in a manner inconsistent with their WTO obligations.

ARTICLE 112

Entry into force⁶

1. This Agreement shall be signed, ratified or approved in accordance with the applicable constitutional or internal rules and procedures of each Party.
2. This Agreement shall enter into force on the later date of the following:
 - (a) the date on which the EU-SADC EPA ceases to apply to the UK, and
 - (b) thirty (30) days or such dates as the Parties agree following the deposit of the last instrument of ratification or approval.
3. Pending entry into force of this Agreement, the SACU Member States and Mozambique and the UK agree to provisionally apply the provisions of this Agreement to the extent that internal requirements allow such application ("provisional application"). This may be effected either by provisional application, where possible, or by ratification of this Agreement.
4. This Agreement shall be applied provisionally between the UK and a SACU Member State or Mozambique on the later of the following:
 - (a) the date on which the EU-SADC EPA ceases to apply to the UK; and
 - (b) ten (10) days or such other date as the UK and that SACU Member State or Mozambique agree after the later of either the receipt of notification of provisional application from the UK or of ratification or provisional application from that SACU Member State or Mozambique.
5. Notifications regarding the provisional application or ratification shall be sent to the Executive Secretary of SACU, who shall be the depositary of this Agreement. Certified copies of the notifications shall be lodged with the Government of the UK.

⁶ The Parties to the attached Protocol on Geographical indications and trade in wines and spirits shall implement the undertakings therein.

6. If pending the entry into force of this Agreement, the Parties decide to apply it provisionally, all references in this Agreement to the date of entry into force shall be deemed to refer to the date such provisional application takes effect.

ARTICLE 113

Duration

1. This Agreement shall be valid indefinitely.
2. Either Party may give written notice of its intention to denounce this Agreement.
3. Denunciation shall take effect six (6) months after the notification referred to in paragraph 2.

ARTICLE 114

Territorial application

1. This Agreement shall apply:
 - (a) on the one hand, to the territory of the United Kingdom and the following territories for whose international relations the UK is responsible, to the extent that and under the conditions which the EU-SADC EPA applied immediately before the EU- SADC EPA ceased to apply to the United Kingdom:
 - (i) Gibraltar;
 - (ii) the Channel Islands and the Isle of Man;
 - (iii) Anguilla, Cayman Islands, Falkland Islands, South Georgia and the South Sandwich Islands, Montserrat, Pitcairn, Saint Helena, Ascension and Tristan da Cunha, British Antarctic Territory, British Indian Ocean Territory, Turks and Caicos Islands, British Virgin Islands and Bermuda;
 - (b) and, on the other hand, to the territories of the SACU Member States and Mozambique.
2. References in this Agreement to “territory” shall be understood in this sense unless explicitly stated otherwise.

ARTICLE 115

Revision clause

1. The Parties agree to review this Agreement in its entirety no later than five (5) years after its entry into force. Such review is without prejudice to instances of adjustments, reviews or revisions otherwise provided for in this Agreement, such as those contemplated under Articles 12(2), 16(8), 17(5), 18(5), 26(10), 33(3), 35(6), 65(e), 117 and Annex VII.
2. As regards the implementation of this Agreement, either Party may make suggestions oriented towards adjusting trade-related cooperation, taking into account the experience acquired during the implementation thereof.

3. The Parties agree that this Agreement may need to be reviewed in light of further developments in international economic relations and in the light of the expiration of the Cotonou Agreement in 2020 to take into account the new ACP-EU arrangement that would replace the Cotonou Agreement.

ARTICLE 116

Amendments

1. Any Party may submit proposals for amendments to this Agreement to the Joint Council for consideration and adoption.
2. Amendments to this Agreement shall, after adoption by the Joint Council, be submitted to the Parties for ratification, acceptance or approval in accordance with their respective constitutional or internal legal requirements.

Article 117

Built-in agenda

1. The Parties recognise the importance of continuing to work together on outstanding trade and trade-related issues to achieve the objectives of this Agreement as set out in Article 1.
2. The Parties acknowledge that there are a number of issues that require technical adjustments in the Agreement. The Parties agree that the Trade and Development Committee shall, at its first meeting, consider the timeframe for commencement and conclusion of the following issues:
 - (a) correction of the errors that the Parties jointly identified in the EU-SADC EPA; and
 - (b) updating tariff schedules in Annexes I, II and III to HS2017, including reflecting product lines which are now listed in the text of Annex I as duty-free quota-free.
3. The technical adjustments referred to in paragraph 2 of this Article shall upon adoption by the Trade and Development Committee form an integral part of the Agreement.
4. The Parties agree to undertake a review of the cumulation limitations among SACU Member States and with Mozambique. To this end, the Parties agree that the review shall commence no later than fifteen (15) months from entry into force of this Agreement with the aim to resolve those limitations. Such a review shall aim to enhance the development impact of the cumulation provisions on the SACU Member States and Mozambique through deepening integration efforts in line with the objectives of Article 1.
5. The Parties shall further consider negotiations on issues, including but not limited to the following:
 - (a) TRQ Management in Annexes I and II;
 - (b) Article 7(2)(c)(i) and (ii) of Protocol 1;
 - (c) Section A, Paragraph 7(c) of Annex II;
 - (d) the timeframe for safeguards in Article 33;

- (e) the scope and volume under the automatic derogations provided for in Articles 43(10) and (11) of Protocol 1, taking into account issues including sustainable development and management of fisheries;
 - (f) TRQs in Annexes I and II;
 - (g) Article 26 (export taxes);
 - (h) treatment of vehicles with engine capacity of less than 1000 CC;
 - (i) cooperation with regard to TBT in terms of Chapter V of the Agreement; and
 - (j) treatment of EU OCTs listed in paragraphs 1 to 3 of Annex VIII of Protocol 1.
6. The negotiations referred to in paragraph 5 of this Article shall commence after the entry into force of this Agreement and shall be undertaken as soon as possible.
 7. The Parties agree to continue discussions on capacity building and technical assistance on SPS in accordance with Article 67, and TBT issues in accordance with Article 58.
 8. This Article shall be kept under ongoing review and shall be revised as necessary by the Trade and Development Committee.

ARTICLE 118

Transitional Implementation Arrangements

1. The Parties recognise the need for transitional arrangements to ensure the smooth implementation of the provisions of this Agreement. As at the date of entry into force of this Agreement, there shall be transitional periods as specified in the paragraphs below.
2. The Parties recognise the importance of a smooth transition in relation to TBT measures, as set out in Article 53, particularly for ensuring continuity of market access.
3. The Parties note that the requirements in UK legislation relating to TBT that apply immediately before the UK leaves the European Union, will to the extent possible continue to apply in substance at the point at which the UK leaves the European Union.
4. The Parties shall notify each other of changes to existing technical regulations and conformity assessment procedures that may affect trade falling under the scope of Chapter V, in accordance with Article 55.
5. Changes in technical regulations and conformity assessment procedures of the Parties shall be developed in accordance with the relevant provisions of the WTO TBT Agreement and Chapter V of PART II of this Agreement.
6. The Parties agree to have TBT matters, including the development of a work programme on the agenda of the first meeting of the Trade and Development Committee in accordance with Article 57.
7. The Parties affirm their commitment to the rights and obligations provided for in the WTO SPS Agreement, and the relevant provisions contained in Articles 13 and 15, and those in Chapter VI of PART II of this Agreement.

8. The Parties recognise the importance of a smooth transition in relation to SPS measures, particularly for ensuring continuity of market access. The Parties note that the UK's SPS requirements that apply immediately before leaving the European Union, will to the extent possible be retained in UK law at the point that the UK leaves the European Union. The UK will notify the SACU Member States and Mozambique of changes to existing SPS import requirements that may affect trade falling under the scope of Chapter VI of PART II, in accordance with Article 63.
9. The UK shall continue to accept existing European Union model health certificates and plant protection certificates accepted by the European Union for a period of twelve (12) months from the date on which the UK leaves the European Union, which shall be extended for a further period of six (6) months by agreement of the Parties based on reasonable grounds.
10. The UK shall continue to accept establishments listed on the European Union list of establishments from which imports of specified products of animal origin are permitted prior to the date on which the UK leaves the European Union, for a period of six (6) months from the date on which the UK leaves the European Union. This period shall be extended for a further period of six (6) months by agreement of the Parties based on reasonable grounds. During that period, the UK reserves the right to take into account and act on the outcome of any decisions of the European Union in relation to such listings.
11. During the period set out in paragraph 10 of this Article, the SACU Member States and Mozambique shall within thirty (30) days inform the UK of any changes to their establishment listings that are notified to the European Union.
12. The UK agrees to have regard to the evidence relating to, and the outcome of, any decisions of the European Union made prior to the date on which the UK leaves the European Union on SPS measures applicable to, or market access for, products originating in the SACU Member States or Mozambique.
13. The Parties agree to have SPS matters, including the development of a work programme on the agenda of the first meeting of the Trade and Development Committee in accordance with Article 65.
14. The Parties agree to develop within six (6) months from the date of entry into force of this Agreement, a framework to address, amongst other issues, SPS import requirements, including pending applications with the European Union for approvals for products.
15. Origin declarations and movement certificates EUR.1, issued under the EU-SADC EPA prior to the date of entry into force of this Agreement, shall be accepted for the purposes of applying preferential treatment under this Agreement in the UK, a SACU Member State or Mozambique, as they would have been under Protocol 1 of the EU-SADC EPA for the duration of their validity.
16. The addresses of the customs authorities and specimen impressions of the stamps notified in terms of Article 36 of Protocol 1 of the EU-SADC EPA shall continue to be recognised for a period of twelve (12) months.
17. Any temporary customs duties or taxes imposed on or in connection with the exportation of products to the European Union by a SACU Member State or Mozambique in terms of Article 26 of the EU-SADC EPA that are being applied at the date of entry into force of this Agreement, shall continue to be applied to exports to the UK for the remaining period that applies to the European Union.

18. Any safeguard measure applied in accordance with Articles 34, 35, 36, 37 or 38 of the EU-SADC EPA on products originating in any of the SACU Member States, Mozambique or the UK on the day before the date on which the UK leaves the European Union, shall continue to apply on the products concerned under this Agreement for the remainder of the period and at the same level that such measure is applied to the European Union, a SACU Member State or Mozambique under the EU-SADC EPA.
19. Any extension applied under Article 34(6)(b) of the EU-SADC EPA may only be applied to a measure applied under paragraph 18 to the extent necessary to remedy or prevent the serious injury or disturbance caused by a Party to this Agreement.
20. Any safeguard measure applied by the UK, a SACU Member State, SACU or Mozambique in accordance with Articles 34, 35, 36, 37 or 38 of this Agreement can only be applied on the import of a product that has previously been subject to a measure under paragraph 18 after a period of at least one (1) year beginning upon the termination of the measure.
21. The Parties fully reserve their positions on the question of the validity of any safeguard measure taken under the EU-SADC EPA and this Article should not be seen as constituting agreement on the validity of any measures taken under the EU-SADC EPA.
22. This Article is without prejudice to any challenge under Part III of any measure taken under this Agreement.
23. Exports subject to TRQs exported under the EU-SADC EPA and cleared after entry into force of this Agreement shall be counted against the TRQs under this Agreement.
24. In regard to any decisions taken by an arbitration panel on any disputes initiated under the EU-SADC EPA before the entry into force of this Agreement, or any mutually agreed solution or compensation agreed by the parties to any such dispute, the Parties shall consult on the applicability of those decisions, mutually agreed solutions or compensation to the Parties to this Agreement.
25. The Parties commit to continuing their dialogue on transitional arrangements, and to exploring all possible modalities for providing maximum certainty on these arrangements ahead of this Agreement entering into force.
26. The Parties agree that the Trade and Development Committee will hold its first meeting as soon as possible after this Agreement enters into force in order to consider and resolve any transitional arrangements requiring attention at that point.

ARTICLE 119

Accession

1. A third state or organisation having competence for the matters covered by this Agreement may request to accede to this Agreement. If the Joint Council agrees to consider such a request, the Parties and the state or organisation requesting to accede shall conduct negotiations on the terms of accession. The Protocol of Accession shall be adopted by the Joint Council and submitted for ratification, acceptance or approval in accordance with the Parties' respective constitutional or internal legal requirements.

2. The Parties shall review the effects of such accession on this Agreement. The Joint Council may decide on any transitional or amending measures that might be necessary.

ARTICLE 120

Languages and authentic texts

This Agreement is drawn up in duplicate in the English and Portuguese languages, each of these texts being equally authentic. In the event of a contradiction, reference shall be made to the language in which this Agreement was negotiated.

ARTICLE 121

Annexes

The Annexes, Protocols and footnotes to this Agreement shall form an integral part of this Agreement.

ARTICLE 122

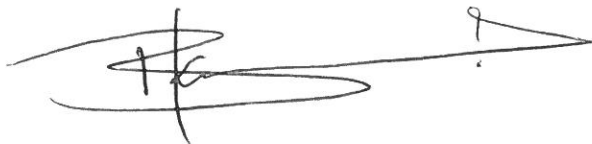
Rights and obligations under this Agreement

Nothing in this Agreement shall be construed as conferring rights or imposing obligations on persons, other than those created between the Parties under public international law.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have affixed their signatures below this Agreement.

Done at London on the ninth day of October in the year two thousand and nineteen.
Feito em Londres, aos nove de Outubro de dois mil e dezanove.

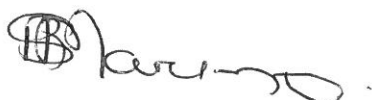
For the Republic of Botswana



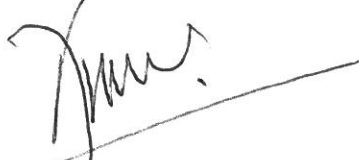
For the Kingdom of Eswatini



For the Kingdom of Lesotho



Pela República de Moçambique



For the Republic of Namibia



For the Republic of South Africa



16 October 2019
Cape Town, Republic of
South Africa

For the United Kingdom of Great Britain and Northern Ireland

