

HS code 2007	Description	Margin of preference	Explanatory notes
82052010	Steel headed hammers	10	
82054010	Star-point screwdrivers (excluding ratchet screwdrivers and screwdrivers with screwholding clamps)	10	
82054020	Flat-point screwdrivers with a width at the point of 3 mm or more but not exceeding 9,5 mm (excluding ratchet screwdrivers and screwdrivers with screwholding clamps)	10	
82054040	Sets with a variety of screwdrivers which contain at least one star-point screwdriver or one flat-point screwdriver with a width at the point of 3 mm or more but not exceeding 9,5 mm	10	
82054090	Other	100	
82055905	Riveting tools for blind riveting; brick bolsters; cold chisels; punches; hacking knives; soldering irons	10	
82055990	Other	100	
82057010	Bench and carpenters vices (excluding table, leg, pipe and swivel vices, not being bench vices with detachable swivel bases)	10	
82057020	Wood working clamps and cramps	10	
82057030	Self-locking welding clamps; self-locking "C" clamps	10	
82071325	Bits (excluding those of a diameter exceeding 100 mm but not exceeding 385 mm incorporating hemispherical shaped	10	
82071390	Other	100	
82071910	Parts of bits (excluding parts used for raise boring and other parts not incorporating cermets)	10	
82073000	Tools for pressing, stamping or punching	100	
82074010	Screwing taps, of alloy steel or high speed steel	10	
82075000	Tools for drilling (excluding rock drilling)	10	
82076015	Reamers, tipped with tungsten carbide or of high speed steel	10	
82077015	Milling cutters, tipped with tungsten carbide or of high speed steel	10	
82079000	Other interchangeable tools	100	
82089000	Other	100	
82090010	Tungsten carbide tips for cutting tools for use with machine tools for working metal or metal carbides	10	
82090020	Other tungsten carbide tips	10	
82090090	Other	100	
82119490	Other	10	
82129000	Other parts	100	
82142000	Manicure or pedicure sets and instruments (including nail files)	10	

HS code 2007	Description	Margin of preference	Explanatory notes
83011000	Padlocks	10	
83012000	Locks of a kind used for motor vehicles	10	
83013000	Locks of a kind used for furniture	10	
83014000	Other locks	10	
83015000	Clasps and frames with clasps, incorporating locks	10	
83016000	Parts	10	
83017000	Keys presented separately	10	
83022000	Castors	10	
83023030	Fittings of iron, steel or copper, commonly used in the manufacture of windows, doors and door frames (excluding window opening mechanisms), of base metal	50	
83023090	Other	10	
83024110	Fittings of iron, steel or copper, commonly used in the manufacture of windows, doors and door frames	50	
83024190	Other	10	
83024210	Fittings of iron, steel or copper, commonly used in the manufacture of doors and door frames	50	
83024290	Other	10	
83024900	Other	10	
83025000	Hat-racks, hat-pegs, brackets and similar fixtures	10	
83026000	Automatic door closers	10	
83030010	Cash or deed boxes and the like	10	
83030090	Other	10	
83052000	Staples in strips	10	
83081000	Hooks, eyes and eyelets	10	
83082010	Blind rivets	10	
83089090	Other	10	
83091000	Crown corks	50	
83100000	Sign-plates, name-plates, address-plates and similar plates; numbers, letters and other symbols, of base metal, excluding those of heading No. 94.05	10	
84089065	Stationary engines, four-stroke, normally aspirated, of a cylinder capacity of 300 cm <sup>3</sup> or more but less than 4 000 cm <sup>3</sup>	10	
84089090	Other	100	
84091000	For aircraft engines	100	
84122900	Other	100	
84123100	Linear acting (cylinders)	100	
84123900	Other	100	
84128000	Other	100	
84129000	Parts	100	
84131100	Pumps for dispensing fuel or lubricants, of the type used in filling-stations or in garages	100	

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84132000	Hand pumps (excluding those of subheading No. 8413.11 or 8413.19)	100	
84133000	Fuel, lubricating or cooling medium pumps for internal combustion piston engines	100	
84135000	Other reciprocating positive displacement pumps	100	
84136000	Other rotary positive displacement pumps	100	
84137025	Submersible pumps	100	
84137090	Other	100	
84138100	Pumps	100	
84139100	Of pumps	100	
84141000	Vacuum pumps	100	
84146020	Domestic type	10	
84146090	Other	100	
84148000	Other	100	
84149070	For ventilating fans (excluding that for fans identifiable for use with motor vehicle engines)	50	
84149090	Other	100	
84151040	Compressor operated, having a rated cooling capacity not exceeding 8,8 kW	10	
84159010	Identifiable for use solely or principally with the machines of subheading No. 8415.10.40	10	
84185000	Other refrigerating or freezing chests, cabinets, display counters, show-cases and similar refrigerating or freezing furniture	10	
84186190	Other	100	
84186990	Other	100	
84189110	For household refrigerators or freezers	10	
84189120	For display counters, cabinets, show-cases or the like	10	
84189190	Other	100	
84189910	Panels of bonded aluminium sheet, incorporating evaporation channels, not punched or sheared, without copper or aluminium pipes	100	
84189920	Other, for household refrigerators or freezers	50	
84189930	Other, for display counters, cabinets, show-cases or the like	50	
84189990	Other	100	
84191110	Domestic type	10	
84191120	Non-domestic type	100	
84191910	Domestic type	10	
84196000	Machinery for liquefying air or other gasses	100	
84198100	For making hot drinks or for cooking or heating food	100	

HS code 2007	Description	Margin of preference	Explanatory notes
84198900	Other	100	
84199010	For domestic instantaneous or storage water heaters	10	
84199090	Other	100	
84211900	Other	100	
84212100	For filtering or purifying water	100	
84212390	Other	100	
84212900	Other	100	
84213110	Air filters with 6 or more filter tubes	100	
84213120	Air filters of the heavy duty dry type, without elements, of a kind fitted with a pre-cleaner	100	
84213150	Other, suitable for use with motor vehicle engines (including motorcycle engines)	10	
84213990	Other	100	
84219120	For clothes dryers of a dry mass loading capacity not exceeding 7 kg	10	
84219190	Other	100	
84219966	For filters suitable for use with motor vehicle (including motorcycle engines)	10	
84229000	Parts	100	
84251100	Powered by electric motor	50	
84251900	Other	100	
84253110	Whaling or trawling winches	50	
84253910	Whaling or trawling winches	50	
84254915	Lifting jacks, mechanical, hand-type, of a lifting height of 800 mm or more when fully extended (excluding trolley mounted garage jacks)	50	
84254925	Other mechanical lifting jacks, hand-type, of a lifting capacity not exceeding 90,7t	50	
84254990	Other	50	
84261200	Mobile lifting frames on tyres and straddle carriers	100	
84261900	Other	100	
84263000	Portal or pedestal jib cranes	100	
84264110	Works trucks fitted with a crane and	10	
84269100	Designed for mounting on road vehicles	100	
84269900	Other	100	
84279020	Manually operated pallet trucks	10	
84282000	Pneumatic elevators and conveyors	100	
84283200	Other, bucket type	100	
84283300	Other, belt type	100	
84283900	Other	100	
84289000	Other machinery	100	
84295120	Not tracked, driven by internal combustion piston engines, of a mass of 3 000 kg or more but not exceeding 30 000 kg (excluding those specially designed for use in mines)	50	

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84311005	Of triple spur gear chain hoists	50	
84311010	Of hydraulic trolley mounted garage jacks, of a lifting capacity not exceeding 11 t	50	
84311025	Of other hydraulic lifting jacks, hand-type, of a lifting capacity not exceeding 90,7 t (excluding trolley mounted garage jacks)	50	
84311030	Of other mechanical lifting jacks, hand-type, of a lifting capacity not exceeding 90,7 t (excluding trolley mounted garage jacks)	50	
84312010	Radiators	50	
84314960	Radiators	50	
84314990	Other	100	
84331110	Having a cutting width not exceeding 470 mm	10	
84331190	Other	50	
84331910	Having a cutting width not exceeding 460 mm	50	
84331990	Other	50	
84339000	Parts	100	
84385000	Machinery for the preparation of meat or poultry	100	
84389000	Parts	100	
84433100	Machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data processing machine or to a network	50	
84433210	Teleprinters	50	
84433290	Facsimile machines	50	
84439900	Other	100	
84501100	Fully automatic machines	10	
84501900	Other	100	
84609020	Double wheel horizontal grinding machines, (excluding those in which the positioning in any one axis can be set up to an accuracy of at least 0,01 mm) incorporating an electric motor of an output not exceeding 600 W	10	
84609090	Other	100	
84621030	Presses, hydraulic (excluding those with 3 or more axes, numerically controlled)	10	
84621090	Other	100	
84622110	Press brakes, hydraulic, of a capacity of less than 8 900 kN (excluding those with 3 or more axes)	10	
84622180	Presses, hydraulic (excluding press brakes and those with 3 or more axes)	10	
84622190	Other	100	
84622910	Plate rolling machines with 3 rollers	10	

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84622920	Pressbrakes, hydraulic, of a capacity of less than 8 900 kN	10	
84622970	Presses (excluding pressbrakes), hydraulic	10	
84622990	Other	100	
84623110	Of the guillotine type, with a cutting length exceeding 1 000 mm but not exceeding 4 150 mm (excluding those with 3 or more axes)	10	
84623190	Other	100	
84623910	Of the guillotine type, with a cutting length exceeding 1 000 mm but not exceeding 4 150 mm	10	
84623990	Other	100	
84629100	Hydraulic presses	100	
84629900	Other	100	
84649000	Other	100	
84671100	Rotary type (including combined rotary-percussion)	100	
84678960	Brush cutters and trimmers, petrol driven	100	
84678990	Other	100	
84679910	For the tools of subheading 8467.29.10	10	
84762100	Incorporating heating or refrigerating devices	100	
84798933	Floor polishers and scrubbers, electrical, non-domestic	50	
84821000	Ball bearings	100	
84822002	Journal roller bearings of the rotating end-cover type, commonly used on the axles of railway rolling stock or locomotives, of an outside diameter of 170 mm or more but not exceeding 210 mm	10	
84822045	Cone assemblies (excluding single row), of an inside diameter of 119 mm or more but not exceeding 120 mm, or 131 mm or more but not exceeding 132 mm	10	
84822090	Other	100	
84825000	Other cylindrical roller bearings	100	
84829100	Balls, needles and rollers	100	
84829911	Outer rings of radial deep groove ball bearings with grooved ball track in bore, finished (excluding those of an outside diameter of less than 31 mm or exceeding 130 mm)	10	
84829917	Outer rings of journal roller bearings, finished, of an outside diameter of 195 mm or more but not exceeding 196 mm, or of 207 mm or more but not exceeding 209 mm	10	

HS code 2007	Description	Margin of preference	Explanatory notes
84829929	Inner rings of radial deep groove ball bearings with grooved ball track on outer diameter, finished (excluding those of an outside diameter of less than 20 mm or exceeding 95 mm)	10	
84829990	Other	100	
85013100	Of an output not exceeding 750 W	100	
85013200	Of an output exceeding 750 W but not exceeding 75 kW	100	
85014000	Other AC motors, single-phase	10	
85015190	Other	10	
85015290	Other	10	
85015390	Other	10	
85016110	Of an output not exceeding 25 kVA	50	
85016190	Other	50	
85016200	Of an output exceeding 75 kVA but not exceeding 375 kVA	50	
85016300	Of an output exceeding 375 kVA but not exceeding 750 kVA	100	
85016400	Of an output exceeding 750 kVA	100	
85021100	Of an output not exceeding 75 kVA	10	
85021200	Of an output exceeding 75 kVA but not exceeding 375 kVA	10	
85021300	Of an output exceeding 375 kVA	10	
85024000	Electric rotary converters	10	
85030010	Rotors or armatures, with an outside cross-sectional dimension exceeding 57 mm but not exceeding 200 mm	10	
85030020	Stators or stator packs, whether or not wound, with an inside cross-sectional dimension exceeding 57 mm but not exceeding 200 mm	10	
85030030	Radiators	50	
85030090	Other	50	
85041000	Ballasts for discharge lamps or tubes	50	
85042100	Having a power handling capacity not exceeding 650 kVA	50	
85042200	Having a power handling capacity exceeding 650 kVA but not exceeding 10 000 kVA	50	
85042300	Having a power handling capacity exceeding 10 000 kVA	50	
85043100	Having a power handling capacity not exceeding 1 kVA	50	
85043300	Having a power handling capacity exceeding 16 kVA but not exceeding 500 kVA	50	
85043400	Having a power handling capacity exceeding 500 kVA	50	
85045000	Other inductors	50	

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85049000	Parts	50	
85059000	Other, including parts	100	
85061005	Cylindrical, of an external volume exceeding 300 cm <sup>3</sup>	50	
85061010	Other, of a height not exceeding 7 mm	100	
85061025	Other, cylindrical (excluding those of a height not exceeding 7 mm), of a diameter exceeding 19 mm	50	
85061090	Other	10	
85063005	Cylindrical, of an external volume exceeding 300 cm <sup>3</sup>	50	
85063025	Other, cylindrical (excluding those of a height not exceeding 7 mm), of a diameter exceeding 19 mm	50	
85063090	Other	10	
85064005	Cylindrical, of an external volume exceeding 300 cm <sup>3</sup>	50	
85064025	Other, cylindrical (excluding those of a height not exceeding 7 mm), of a diameter exceeding 19 mm	50	
85064090	Other	10	
85065005	Cylindrical, of an external volume exceeding 300 cm <sup>3</sup>	50	
85065025	Other, cylindrical (excluding those of a height not exceeding 7 mm), of a diameter exceeding 19 mm	50	
85065090	Other	10	
85066005	Cylindrical, of an external volume exceeding 300 cm <sup>3</sup>	50	
85066025	Other, cylindrical (excluding those of a height not exceeding 7 mm), of a diameter exceeding 19 mm	50	
85066090	Other	10	
85068005	Cylindrical, of an external volume exceeding 300 cm <sup>3</sup>	50	
85068025	Other, cylindrical (excluding those of a height not exceeding 7 mm), of a diameter exceeding 19 mm	50	
85068090	Other	10	
85072000	Other lead-acid accumulators	100	
85078000	Other accumulators	100	
85081110	Of a value for duty purposes not exceeding R650	10	
85081190	Other	50	
85081910	Of a value for duty purposes not exceeding R650, non-domestic	50	
85081920	Of a value for duty purposes not exceeding R650	10	
85081990	Other vacuum cleaners, electrical	50	



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85086010	Of a value for duty purposes exceeding R650, non-domestic	50	
85086090	Other, of a value for duty purposes exceeding R650, non domestic	50	
85087090	Other	10	
85098010	Floor polishers	10	
85099000	Parts	10	
85161010	Immersion heaters identifiable for use solely or principally for heating industrial liquids	100	
85161090	Other	10	
85162100	Storage heating radiators	10	
85162910	Electric radiators	10	
85162990	Other	10	
85163200	Other hair-dressing apparatus	10	
85168010	Identifiable for use solely or principally with domestic stoves, hot-plates and ovens	10	
85168020	Identifiable for use solely or principally with industrial ovens and furnaces	100	
85168090	Other	10	
85169020	For hand-type hair dryers	50	
85169025	For electric smoothing irons	10	
85169030	For other electro-thermic appliances of a kind	10	
85169090	Other	10	
85171100	Line telephone sets with cordless handsets	50	
85171200	Telephones for cellular networks or for other wireless networks	100	
85171810	Card or coin operated telephone sets	50	
85171890	Other	50	
85176100	Base stations	50	
85176210	Videophones	50	
85176290	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus: Other	50	
85176900	Other	50	
85177010	For telephone sets	50	
85177090	Other	100	
85211000	Magnetic tape-type	100	
85234000	For reproducing sound only	100	
85235290	Other	100	
85255010	For radio-telephony or radio-telegraphy	10	
85255090	Other	100	
85256000	Transmission apparatus incorporating reception apparatus	100	
85287100	Not designed to incorporate a video display or screen	100	
85287290	Other colour, other	100	

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85291010	Parabolic aerial reflector dishes of a diameter not exceeding 120 cm	50	
85291090	Other	100	
85299020	Cabinets for reception apparatus for	100	
85299050	Filters or separators, for reception apparatus for television	100	
85299060	Tuners (very high frequency or ultra-high frequency) and tuner control devices, for reception apparatus for television	100	
85299070	Parts of moulded plastics or base metal, not incorporating electronic components, for	100	
85299090	Other	100	
85309090	Other	50	
85318000	Other apparatus	100	
85351000	Fuses	50	
85352105	With moulded casings of plastics, with a current rating not exceeding 1 250 A, for a voltage not exceeding 1,1 kV (AC) or 125 V per pole (DC) and a breaking capacity rating not exceeding 100 000 A	10	
85352110	With a current rating not exceeding 2 000 A, for a voltage exceeding 2 kV (AC) but not exceeding 12 kV (AC) and a breaking capacity rating exceeding 10 000 A but not exceeding 31 500 A (excluding those with moulded casings of plastics)	10	
85352120	With a current rating not exceeding 1 200 A, for a voltage exceeding 12 kV (AC) but not exceeding 24 kV (AC) and a breaking capacity rating exceeding 10 000 A but not exceeding 25 000 A (excluding those with moulded casings of plastics)	10	
85352130	With a current rating not exceeding 1 600 A, for a voltage exceeding 24 kV (AC) but not exceeding 36 kV (AC) and a breaking capacity rating exceeding 10 000 A but not exceeding 31 500 A (excluding those with moulded casings of plastics)	25	
85352140	With a current rating not exceeding 1 600 A, for a voltage exceeding 36 kV (AC) but not exceeding 72,5 kV (AC) and a breaking capacity rating exceeding 10 000 A but not exceeding 21 900 A (excluding those with moulded casings of plastics)	10	

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85353005	Isolating switches, with moulded casings of plastics, with a current rating not exceeding 1 250 A, for a voltage not exceeding 1 100 V (AC) or 125 V per pole (DC) and a breaking capacity rating not exceeding 100 000 A	10	
85359010	Switch cover plates; apparatus connectors	10	
85359090	Other	50	
85361000	Fuses	100	
85362015	With casings of plastics or other insulating material, with a current rating not exceeding 800 A	10	
85362090	Other	100	
85363010	Identifiable for use solely or principally with radio, radar, television, radio-telegraphic or radio-telephonic apparatus	50	
85363030	Switch fuses, for a voltage of less than 500 V	50	
85363090	Other	50	
85364910	Earth leakage relays, for a voltage not exceeding 660 V with a sensitivity not exceeding 1 000 mA	50	
85364920	Electro-magnetic and permanent magnet relays	50	
85364930	Thermo-electric relays incorporating bimetal elements	50	
85364980	Other, of a value for duty purposes of R250 or more	50	
85364990	Other	50	
85365010	Identifiable for use solely or principally with radio, radar, television, radio-telegraphic or radio-telephonic apparatus	100	
85365040	Identifiable for use solely or principally with rail locomotives and railway rolling-stock	100	
85365050	Other, with moulded casings of plastics or other insulating material, with a current rating not exceeding 800 A	10	
85365090	Other	50	
85366130	Other, for fluorescent lamps	50	
85366140	Other, for a voltage of less than 500 V	50	
85366190	Other	50	
85366910	Identifiable for use solely or principally with radio, radar, television, radio-telegraphic or radio-telephonic apparatus	50	
85366960	Other sockets, for a voltage of less than 500 V	10	
85366965	Other, for a voltage of less than 500 V	50	
85366990	Other	50	
85367000	Connectors for optical fibres, optical fibre bundles or cables	50	

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85369010	Identifiable for use solely or principally with radio, radar, television, radio-telegraphic or radio-telephonic apparatus	100	
85369030	Apparatus connectors; switch cover plates	50	
85369040	Terminals, terminal strips and other metal parts for the reception of conductors or cables, identifiable for use solely or principally with domestic stoves and hot-plates	50	
85369090	Other	50	
85371030	Equipped with apparatus of subheading No. 8536.20.15 or 8536.50.50	10	
85371090	Other	50	
85372010	Not flameproof, with a current rating not exceeding 2 000 A, for a voltage exceeding 2 kV (AC) but not exceeding 12 kV (AC) and a breaking capacity rating exceeding 10 000 A but not exceeding 31 500 A (excluding gas insulated metal clad switchgear)	10	
85372020	Not flameproof, with a current rating not exceeding 1 250 A, for a voltage exceeding 12 kV (AC) but not exceeding 24 kV (AC) and a breaking capacity rating exceeding 10 000 A but not exceeding 25 000 A (excluding gas insulated metal clad switchgear)	10	
85372040	Not flameproof, with a current rating not exceeding 1 600 A, for a voltage exceeding 36 kV (AC) but not exceeding 72,5 kV (AC) and a breaking capacity rating exceeding 21 900 A (excluding gas insulated metal clad switchgear)	10	
85372090	Other	50	
85389045	For circuit breakers and isolating switches, with moulded casings of plastics, with a current rating not exceeding 1 250 A, for a voltage not exceeding 1 100 V (AC) or 125 V per pole (DC) and a breaking capacity rating not exceeding 100 000 A	10	
85389048	For other automatic circuit breakers for a voltage exceeding 1 kV	10	
85392220	Projector lamps	100	
85392245	Other, of a power of 15 W or more and for a	10	
85392290	Other	10	
85392910	Carbon filament lamps	100	
85392915	Projector lamps	100	
85392925	Torch lamps	100	
85392950	Other, vacuum type, of less than 15 W	10	

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85392957	Other, of a power exceeding 200 W but not exceeding 1 000 W and for a voltage exceeding 100 V but not exceeding 260 V	10	
85392960	Other, not exceeding 100 W, identifiable for use solely or principally in headlamps for miners	100	
85392990	Other	10	
85393145	Linear (excluding mercury vapour lamps) of a length of 600 mm or more but not exceeding 2 500 mm, of a diameter of 25 mm or more	10	
85394910	Ultra-violet lamps	10	
85394920	Infra-red lamps	10	
85401100	Colour	10	
85401200	Black and white or other monochrome	10	
85409100	Of cathode-ray tubes	50	
85409900	Other	50	
85432000	Signal generators	100	
85437000	Other machines and apparatus: Electric fence energizers	100	
85439000	Parts	100	
85441100	Of copper	10	
85441900	Other	10	
85442015	Cable, single-core, with a centre conductor of copper plated with silver or gold, of a length exceeding 400 m and a cross-sectional dimension not exceeding 4,5 mm, not sheathed in aluminium	100	
85442090	Other	10	
86072990	Other	50	
87120010	Bicycles	25	
89031000	Inflatable	50	
89039200	Motorboats (excluding outboard motorboats)	50	
90041000	Sunglasses	50	
90183140	Disposable hypodermic syringes of plastics	10	
90183190	Other	100	
90183220	Hypodermic needles, including dental injection needles, with hubs	10	
90183900	Other	100	
90189000	Other instruments and appliances:	100	
90215000	Pacemakers for stimulating heart muscles (excluding parts and accessories)	100	
90219000	Other	100	
90259000	Parts and accessories	100	
90261000	For measuring or checking the flow or level of liquids	100	
90262000	For measuring or checking pressure	100	

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90321010	Identifiable for use solely or principally with electro-thermic domestic appliances (excluding those of which the operation depends on an electrical phenomenon which varies according to the factor to be ascertained or automatically controlled)	50	
90328900	Other	100	
90329000	Parts and accessories	100	
93020010	Revolvers	10	
93020021	Semi-automatic	10	
93020022	Other	10	
93020030	Pistols, multiple barrel	10	
93032011	Pump-action	10	
93032012	Semi-automatic	10	
93032013	Other	10	
93032020	Shotguns, multiple barrel, including combination guns	10	
93033010	Single-shot	10	
93033020	Semi-automatic	10	
93033090	Other	10	
93052100	Shotgun barrels	10	
93052910	Firing mechanisms	10	
93052920	Frames and receivers	10	
93052930	Rifle barrels	10	
93052940	Pistons, locking lugs and gas buffers	10	
93052950	Magazines and parts thereof	10	
93052960	Silencers (sound moderators) and parts thereof	10	
93052970	Flash eliminators and parts thereof	10	
93052980	Breeches, bolts (gunlocks) and bolt carriers	10	
93052990	Other	10	
93062100	Cartridges	10	
93062900	Other	10	
93063010	For riveting tools with a calibre not exceeding 6,35 mm, rimfire type	10	
93063020	For captive-bolt humane killers or stunners	10	
93063090	Other	10	
94013000	Swivel seats with variable height adjustment	10	
94014000	Seats (excluding garden seats or camping equipment), convertible into beds	10	
94016100	Upholstered	10	
94016900	Other	10	
94017100	Upholstered	10	
94017900	Other	10	
94018000	Other seats	10	
94019010	Identifiable for use with aircraft seats of subheading 9401.10	100	
94019090	Other	10	
94029000	Other	100	
94031000	Metal furniture of a kind used in offices	10	

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94032000	Other metal furniture	10	
94033000	Wooden furniture of a kind used in offices	10	
94034000	Wooden furniture of a kind used in the	10	
94035000	Wooden furniture of a kind used in the	10	
94036000	Other wooden furniture	10	
94038100	Of bamboo or rattan	10	
94038900	Other	10	
94039000	Parts	10	
94042100	Of cellular rubber or plastics, whether or not covered	10	
94049000	Other	10	
94051037	Shadowless, commonly used in operating theatres or by dental surgeons	100	
94054017	Ships navigation lamps	100	
94054047	Shadowless, commonly used in operating theatres or by dental surgeons	100	
94054055	Other, with base and diffusers of base metal	100	
94054090	Other	10	
94056000	Illuminated signs, illuminated nameplates and the like	10	
94059290	Other	10	
94059927	For shadowless lamps and ships navigation lamps	100	
94059990	Other	10	
94060000	Prefabricated buildings	100	
95030010	Tricycles, scooters, pedal cars and similar	10	
95030090	Other	100	
95043000	Other games, operated by coins, banknotes (paper currency), discs or other similar articles (excluding bowling alley equipment)	100	
95049000	Other	100	
95051000	Articles for Christmas festivities	10	
95059000	Other	10	
95064000	Articles and equipment for table-tennis	100	
95065900	Other	100	
95069100	Articles and equipment for general physical exercise, gymnastics or athletics	100	
95069900	Other	100	
95073000	Fishing reels	100	
96033090	Other	10	
96034000	Paint, distemper, varnish or similar brushes (excluding brushes of subheading No. 9603.30); paint pads and rollers	10	
96035010	Machine bottle brushes	10	
96035090	Other	10	
96039000	Other	10	
96072090	Other	10	
96081000	Ball point pens	10	

<b>HS code 2007</b>	<b>Description</b>	<b>Margin of preference</b>	<b>Explanatory notes</b>
96082000	Felt tipped and other porous-tipped pens and markers	10	
96092000	Pencil leads, black or coloured	10	
96099000	Other	10	
96151100	Of hard rubber or plastics	10	
96151900	Other	10	
96161000	Scent sprays and similar toilet sprays, and mounts and heads therefor	100	
96170000	Vacuum flasks and other vacuum vessels, complete with cases; parts thereof (excluding glass inners)	10	



## **ANNEX IV**

### **SAFEGUARD MEASURES**

#### **Part I: Global Safeguards**

##### **Article 1**

The Signatory Parties shall retain their rights and obligations to apply safeguard measures consistent with Article XIX of GATT 1994 and the WTO Agreement on Safeguards.

#### **Part II: Preferential Safeguards**

##### **Article 2**

##### **Definitions**

For the purposes of Part II of this Annex:

1. "domestic industry" shall be understood to mean the producers as a whole of the like or directly competitive products, operating in the territory of the Party or the Signatory Party, as the case may be, or when it is not possible, those whose collective output of the like or directly competitive products constitutes a major proportion of the total production of such products.
2. "preferential imports" shall be understood to mean products for which tariff preferences had been negotiated under this Agreement.
3. "serious injury" shall be understood to mean the significant overall impairment in the position of a domestic industry;
4. "threat of serious injury" shall be understood to mean the serious injury that is clearly imminent, based on facts and not merely on allegation, conjecture or remote possibility;

### **Article 3**

#### **Conditions for Application of Preferential Safeguard Measures**

1. Without prejudice to the rights and obligations referred to in Article 1, the Parties or the Signatory Parties can apply, preferential safeguard measures under the conditions established in this Annex, when preferential imports have increased in such quantities, absolute or relative to domestic production of the importing party under such conditions as to cause or threaten to cause serious injury to the domestic industry of the importing Party or importing Signatory Party, as the case may be.
2. Preferential safeguard measures shall only be applied following an investigation by the competent authorities of the importing party under the procedures established in this Annex.
3. The preferential safeguard measure shall be applied only to the extent necessary to prevent or remedy serious injury.

### **Article 4**

Preferential safeguard measures shall not be applied in the first year after the tariff preferences negotiated under the Agreement come into force.

### **Article 5**

1. SACU may apply preferential safeguard measures on a customs union-wide basis, in which case the requirements for the determination of the existence of serious injury or threat thereof shall be based on the conditions prevailing in the SACU as a whole, or a SACU Signatory Party may apply preferential safeguard measures individually, if provided for in terms of the SACU Agreement, in which case the requirements for the determination of the existence of serious injury or threat thereof shall be based on the conditions prevailing in that Signatory Party and the measure shall be limited to that Signatory Party.

2. MERCOSUR may apply preferential safeguard measures on a customs union-wide basis, in which case the requirements for the determination of the existence of serious injury or threat thereof shall be based on the conditions prevailing in MERCOSUR as a whole, or a MERCOSUR Signatory Party may apply preferential safeguard measures individually, in which case the requirements for the determination of the existence of serious injury or threat thereof shall be based on the conditions prevailing in that Signatory Party and the measure shall be limited to that Signatory Party.
  
3. A Party or Signatory Party may apply preferential safeguard measures only to the imports from one or more Signatory Parties when serious injury or threat thereof is being caused by such imports.

### **Article 6**

1. The preferential safeguard measures adopted under this Annex shall consist of either a quota, or a suspension or a reduction of the tariff preferences established in this Agreement for the product subjected to the measure.
  - a) When a party applies a preferential safeguard measure as a quota, such a measure shall not reduce the annual quantity of preferential imports below the level of the average annualized imports of the product concerned in the thirty-six (36) month period previous to the period for which serious injury was determined. In this case, out of quota imports would receive either reduced preferences or the applied Most Favoured Nation rate. A different level of quota may be applied if it is duly justified.
  - b) When a party applies a preferential safeguard measure as a suspension or a reduction of the tariff preferences, such measure shall maintain the preferential conditions for a part of the imports of the product concerned in the form of a quota. In this case, the annual fixed quota cannot be less than the average annualized imports of the product concerned in the thirty-six (36) month period

previous to the period for which serious injury was determined. A different level of quota may be applied if it is duly justified.

### **Article 7**

The total period of application of a preferential safeguard measure including the period of application of any provisional measure shall not exceed two (2) years.

### **Article 8**

No preferential safeguard shall be applied again to preferential imports which have been subject to such a measure unless the period of non-application is at least of one (1) year from the end of the application period of the previous measure.

### **Article 9**

1. The investigation to determine serious injury or threat thereof as a result of increased preferential imports of a certain product shall take into consideration all relevant factors of an objective and quantifiable nature having a bearing on the situation of the domestic industry affected, particularly, the amount and rate of the increase in preferential imports of the product concerned, in absolute and relative terms; the relationship between the preferential and non-preferential imports, as well as between the increase of one and the other; the share of the domestic market taken by these imports; changes in the level of sales; prices; production; productivity; capacity utilization; profits and losses; employment; and other factors that, although not related to the evolution of preferential imports, have a causal relationship with the injury or the threat of injury to the domestic industry in question.

2. When factors other than increased preferential imports are causing injury to the domestic industry at the same time, such injury shall not be attributed to the increased preferential imports.

**Article 10**  
**Investigation and Transparency Procedures**

A Party or Signatory Party may initiate a safeguard investigation at the request of the domestic producers in the importing Party or Signatory Party of the like or directly competitive product.

**Article 11**

The purpose of investigation shall be:

- a) to assess the quantities and conditions under which the product is being imported;
- b) to determine the existence of serious injury or threat of serious injury to the domestic industry; and
- c) to determine the causal link between the increased preferential imports of the product concerned and the serious injury or threat thereof to the domestic industry, pursuant to the terms of Article 9 of this Annex.

**Article 12**

The period between the date of publication of the decision to initiate the investigation and the publication of the final decision shall not exceed one (1) year.

**Article 13**

Each Party or Signatory Party shall establish or maintain transparent, effective and equitable procedures for the impartial and reasonable application of safeguard measures, in compliance with the provisions established in this Annex.

**Article 14**  
**Provisional Safeguards**

In critical circumstances where delay may cause damage which would

be difficult to repair, a Party or Signatory Party, after due notification, may take a provisional safeguard measure pursuant to a preliminary determination that there is clear evidence that increased preferential imports have caused or are threatening to cause serious injury. The duration of the provisional measure shall not exceed two hundred (200) days, during which period the requirements of this Annex shall be met. If final determination concludes that there was no serious injury or threat thereof to domestic industry caused by imports under preferential terms, the increased tariff, if collected under provisional measures, shall be promptly refunded.

### **Article 15**

#### **Public Notice**

1. The importing Party or Signatory Party shall notify the exporting Signatory Party of:
  - a) the decision to initiate the investigation under this Annex;
  - b) the decision to apply a provisional safeguard measure;
  - c) the decision to apply or not a definitive safeguard measure.
2. The decision shall be notified by the Party or Signatory Party within a period of seven (7) days from the publication and shall be accompanied by the appropriate public notice.

### **Article 16**

The public notice of the initiation of a safeguard investigation shall include the following information:

- a) the name of the petitioner;
- b) the description of the product subjected to the measure, including its tariff classification under the Harmonised System;
- c) the deadline for the request for hearings and the venue where hearings shall be held;

- d) the deadline for the submission of information, statements and other documents;
- e) the address where request or other documents related to the investigation can be examined;
- f) the name, address and telephone number of the institution which can provide further information; and
- g) a summary of the facts upon which the initiation of the investigation was based, including data on imports that have supposedly increased in absolute or relative terms to total production or internal consumption and analysis of the domestic industry situation based on all the elements conveyed in the request.

### **Article 17**

1. The public notice or report of the decision to apply a provisional or definitive safeguard measure shall include the following information:

- a) description of the product subjected to the measure, including its tariff classification under the Harmonised System;
- b) information and evidence leading to the decision, such as:
  - i) the increasing or increased preferential imports;
  - ii) the situation of the domestic industry;
  - iii) the fact that the increasing preferential imports that are causing or threatening to cause serious injury to the domestic industry; and
  - iv) in the case of preliminary determination, the existence of critical circumstances;
- c) other reasoned findings and conclusions on all relevant issues of fact and law;

- d) description of the measure to be adopted;
- e) the date of entry into force of the measure and its duration.

2. The public notice shall include at least (a), (d) and (e), which shall be conveyed along with the report to all Signatory Parties.

### **Article 18**

A Party or Signatory Party proposing to apply a definitive safeguard measure shall provide adequate opportunity for prior consultations to the exporting Signatory Party. With this objective, the Party or Signatory Party shall notify the exporting Signatory Party its decision to apply a definitive safeguard measure. The notification shall be provided no less than thirty (30) days before the measure comes into force.

The notifications shall include:

- i) evidence of the existence of serious injury or threat of serious injury to the domestic industry caused by the increased imports;
- ii) description of the product subjected to the measure, including its tariff classification under the Harmonised System;
- iii) description of the measure proposed;
- iv) the date of entry into force of the measure and its duration;
- v) the period for consultations; and
- vi) the criteria employed or any objective information proving that the conditions established in this Annex for the application of a measure have been met.

### **Article 19**

At any stage of the investigation, the notified Signatory Party may request consultations to the importing Party or Signatory Party any



additional information that it considers necessary.

### **Article 20**

Not later than five (5) years after the entry into force of this Agreement, the Joint Administration Committee shall review the operation of this Annex and, as appropriate, propose to the Parties amendments to its text. In the course of this review, the Joint Administration Committee shall consider, in particular, the experience with the application of the preferential safeguard mechanism.

**ANNEX V**

**DISPUTE SETTLEMENT PROCEDURE**

**CHAPTER I**

**Article 1  
Scope**

1. For purposes of this Dispute Settlement Procedure the Parties or one or more Signatory Parties of MERCOSUR or SACU may be a party to a dispute.
2. For the purposes of this Dispute Settlement Procedure, the following parties may be a party to a dispute:
  - both Parties;
  - one or more States Parties of MERCOSUR and one or more Member States of SACU;
  - one or more States Parties of MERCOSUR or SACU and a Party.

**Article 2  
Election of Forum**

1. Any dispute that may arise in connection with the interpretation, application or non-compliance with the provisions of this Agreement between the Parties, as well as its Additional Protocols and related instruments, shall be subject to this Dispute Settlement Procedure.
2. Any dispute regarding matters arising under this Agreement that are also regulated in the agreements concluded at the World Trade Organization (hereinafter referred to as "the WTO") may be settled in accordance with this Annex or with the Understanding on Rules and Procedures Governing the Settlement of Disputes of the WTO (hereinafter referred to as the "DSU").
3. The parties to the dispute shall reach an agreement on a forum after the expiry of the period for consultations established in Chapter II of this Annex. If no agreement is reached on the forum, the complaining party shall select the forum for dispute settlement.
4. When selecting the forum, the complaining party or parties shall endeavour to resolve all disputes in the context of the Dispute Settlement Procedure provided in this Annex.

5. Once a dispute settlement procedure has been initiated under this Agreement or under the DSU, the selection of the forum shall be final and a party to the dispute may not refer the same subject matter of the dispute to the other forum.

6. For this purpose, a dispute settlement procedure shall be considered initiated under the WTO whenever the complaining party requests consultations under Article 4 of the DSU. Likewise, a dispute settlement procedure shall be considered initiated under the Agreement whenever a meeting of the Joint Administrative Committee has been requested under Article 6.1 of this Annex.

7. Notwithstanding the foregoing provisions, disputes that may arise in connection with Chapter VIII as well as Article 1 of Annex IV of this Agreement shall exclusively be submitted to the DSU.

## **CHAPTER II**

### **Article 3 Consultations**

1. The parties shall make all reasonable efforts to settle the disputes referred to in Article 2 through consultations with a view to reaching a mutually satisfactory solution.

2. Consultations shall be conducted, in the case of MERCOSUR, by the Pro Tempore Presidency or the National Coordinators of the Common Market Group, as the case may be, and in the case of SACU, by a Signatory Party or the Chair of the SACU Council of Ministers, as the case may be.

### **Article 4 Request for Consultations**

The request for consultations shall be submitted to the other party in writing and shall state the reasons for such request. The request for consultations shall be notified to all other Signatory Parties, to the Pro Tempore Presidency of MERCOSUR and to the Chair of the SACU Council of Ministers.

### **Article 5 Procedures for Consultations**

1. The party to which the request is made shall reply within 20 days after the date of its receipt.

2. The parties shall exchange information in order to facilitate the consultations. Such consultations shall be confidential.

3. Consultations shall last no more than 60 days after the date of receipt of the request, unless the parties involved consider it necessary, in order to settle the dispute, to extend the consultations for a further mutually agreed period.

### **CHAPTER III**

#### **Article 6**

#### **Intervention of the Joint Administration Committee**

1. If consultations fail to settle the dispute within the period established in Article 5, both parties, by mutual consent, or the complaining party, may request in writing a meeting of the Joint Administration Committee, as defined in Chapter X of the Agreement (hereinafter referred to as "the Committee"), with the specific purpose of dealing with the dispute.
2. The request shall state the facts and the legal basis of the dispute, indicating the applicable rules of this Agreement, Additional Protocols and related instruments.
3. The Committee shall notify immediately the request mentioned in paragraph 1 to all other Parties or Signatory Parties not a party to the dispute.

#### **Article 7**

#### **Committee Meeting**

1. The Committee shall meet within thirty (30) days of the date of receipt by all Parties or Signatory Parties of the request referred to in Article 6.
2. The Parties or Signatory Parties shall be deemed to have received the request five (5) days after the date of issuance by the Committee.

#### **Article 8**

#### **Joint Examination**

The Committee may, by consensus, examine jointly two or more proceedings only when, by their nature or by any relevant cause, they are deemed to be related.

#### **Article 9**

#### **Committee Procedures**

1. The Committee shall examine the dispute and give the parties an opportunity to present their positions and, if necessary, to give additional information in order to reach a mutually satisfactory solution.
2. The Committee shall issue its recommendations within thirty (30) days of the date of its first meeting.
3. When a dispute cannot be resolved by the Committee within the period mentioned in paragraph 2, the Committee shall submit the matter to the Group of Experts (hereinafter referred to as "the Group"), as established in Article 11 and shall immediately notify this decision to the parties.

**Article 10**  
**List of Experts**

1. For the purpose of establishing the Group, each Signatory Party, within 30 days as from the entry into force of the Agreement, shall provide the Committee with a list of four (4) experts, one (1) of them being a national of countries other than the Signatory Parties.
2. The list shall be composed of persons of recognized expertise in matters related to this Agreement.
3. The Committee shall establish a list of experts based on the names submitted by the Signatory Parties.

**Article 11**  
**Establishment of the Group of Experts**

The Group shall consist of three (3) members and shall be constituted as follows:

- a) Within fifteen (15) days after the notification referred to in Article 9.3, each side to the dispute shall choose one expert from the list referred to in Article 10.3.
- b) Within the same timeframe the parties to the dispute shall indicate, by consensus, from among those in the list, a third expert, whom shall not be a national of any of the Signatory Parties. This third expert shall preside over the Group.
- c) If any nomination referred to in the paragraph a) or b) is not made within the specified timeframe, it shall be made by lot, by the Committee, within ten (10) days from the list of experts previously designated.
- d) Nominations referred to in paragraphs a) to c) shall be notified to all the Signatory Parties.

**Article 12**  
**Impartiality of the Experts**

1. A person who has acted in any capacity in previous phases of the dispute or who does not have the necessary independence with regard to the positions of the parties may not act as an expert.
2. In the exercise of their functions, the experts shall act with independence and impartiality.

### **Article 13 Evidence**

In order to further investigate the matter, the Group may request oral or written evidence.

### **Article 14 Expenses of the Group**

1. The expenses resulting from the work of the Group shall be borne in equal parts by the parties to the dispute.
2. Such expenses shall include the fees of the experts, travel expenses and other costs incurred in connection with their work.
3. The Committee shall determine the remuneration, fees and allowances for the experts, as well as approve related expenses.

### **Article 15 Report and Recommendations**

1. Within thirty (30) days of receipt of the notification of the designation of the third expert, the Group shall deliver to the Committee its joint report. The report shall consist of two parts. The first, of a descriptive nature, shall contain an outline of the case and the arguments presented by the parties, and may reflect the opinions of individual experts, which shall remain anonymous. The second shall contain the findings of the Group.
2. Should the Group conclude that the matter referred to it pursuant to the provisions of Article 9.3 is inconsistent with a provision of this Agreement, the Group shall recommend to the Committee that the party or parties concerned conform with that provision.
3. Unless there is consensus in the Committee not to accept the recommendations of the Group, the Committee shall, within thirty (30) days after the receipt of the report, recommend that the party or parties concerned bring the measure into conformity with this Agreement,

### **Article 16 Compliance**

The party concerned shall comply with the recommendations of the Committee within 90 (ninety) days, unless otherwise decided by the Committee.

**Article 17**  
**Suspension of Concessions**

1. If the party concerned fails to implement the recommendations according to Article 15, the Committee may authorize the complaining party to temporarily withdraw concessions having trade effects equivalent to the benefits diminished by the non-conformity.
2. The complaining party should first seek to suspend, whenever possible, concessions with respect to the same sector(s) affected by the act of non-conformity. If this is not practicable or effective, the complaining party may suspend concessions in other sector(s), indicating the reasons to do so.

**CHAPTER IV**

**Article 18**  
**Communications**

1. All communications between MERCOSUR or its Member States and SACU or its Member States shall be transmitted, in the case of MERCOSUR, to the Pro Tempore Presidency, and in the case of SACU, to the Chair of the SACU Council of Ministers.
2. All communications referred to in this Dispute Settlement Procedure shall be transmitted to all the Signatory Parties.

**Article 19**  
**Determination of periods**

The periods referred to in this Dispute Settlement Procedure are expressed in consecutive days, including non-working days, and shall be calculated from the day immediately following the relevant act or fact. If the period begins or ends on a non-working day (Saturday or Sunday), the period shall be deemed to be starting or expiring on the following working day of the party concerned.

**Article 20**  
**Confidentiality**

Documents and acts related to the proceedings established in this Dispute Settlement Procedure shall be confidential.

**Article 21**  
**Withdrawal of Claim or Agreement**

At any time during the proceedings the complaining party may withdraw its claim or the parties may reach an agreement. In both cases the dispute shall be terminated. The Committee shall be notified in order to take any necessary measures.

## **ANNEX VI**

### **SANITARY AND PHYTOSANITARY MEASURES**

#### **Article 1 – Objective**

The objective of the present Annex is to facilitate trade, between the Signatory Parties in animals and animal products, plants, and plant products, and any other regulated articles or any other product, deemed to require sanitary and phytosanitary measures, included in the Preferential Trade Agreement between MERCOSUR and SACU, whilst safeguarding human, animal and plant health.

#### **Article 2 – Multilateral Obligations**

The Signatory Parties confirm their rights and obligations established in the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization, by virtue of article 22 of the Preferential Trade Agreement between MERCOSUR and SACU.

#### **Article 3 – Transparency**

The Signatory Parties agree to exchange the following information:

- a) Any changes in the sanitary and phytosanitary status, including important epidemiological findings which may affect the Signatory Parties trade;
- b) Result of inspections and verifications within a 60-day term, which may be extended for a similar period in case of appropriate justification;
- c) Result of import controls in case the goods were rejected or considered non-compliant with official requirements, no further than a 48 hour term.

#### **Article 4 – Consultations on Specific Trade Concerns**

1. The Signatory Parties agree to create a consultation mechanism to facilitate the settlement of problems arising from the adoption and application of sanitary or phytosanitary measures, in order to prevent these measures from becoming unjustifiable barriers to trade.



2. The competent official authorities, as defined in Article 5 of this Protocol, shall implement the mechanism established in paragraph 1, as follows:
- a) The exporting Signatory Party affected by a sanitary or phytosanitary measure shall inform the importing Signatory Party of this concern through the form established in Annex 1 and communicate this to the Joint Administration Committee.
  - b) The importing Signatory Party shall respond to the request, in writing, before a thirty-day term specifying whether the measure:
    - Conforms to an international standard, guideline or recommendation, in which case, it should be identified by the importing Party; or
    - Is based on an international standard, guideline or recommendation. In this case, the importing Party shall supply the scientific justification and other information to support the aspects differing from the international standard, guideline or recommendation; or
    - Results in a higher level of protection for the importing Party otherwise than through an international standard, guideline or recommendation. In this case, the importing Party shall supply the scientific justification for such measure, including the description of the risk/risks to be avoided and, if pertinent, the risk assessment; or
    - In the absence of an international standard, guideline or recommendation, the importing Party shall supply a scientific justification for such measure, including the description of the risk/risks to be avoided and, if pertinent, the risk assessment.
  - c) Additional technical consultations may be made, whenever necessary, to analyze and suggest any procedures to overcome difficulties, within a 60-day term.
  - d) In case the exporting Signatory Party finds the mentioned consultations to be satisfactory, a joint report shall be submitted to the Joint Administration Committee. If a satisfactory solution is not reached, each Signatory Party shall pass its report to the Joint Administration Committee.

**Article 5 – Competent Official Authorities**

For the purpose of implementing the preceding provisions, the competent official authorities are the following:

**For MERCOSUR****Argentina**

Secretaría de Agricultura, Ganadería, Pesca y Alimentos – SAGPyA (Agriculture, Livestock, Fisheries and Food Secretariat)  
 Servicio Nacional de Sanidad y Calidad Agroalimentaria – SENASA (Animals, Plants and Food Safety and Quality National Service)  
 Administración Nacional de Alimentos, Medicamentos y Tecnología Médica – ANMAT (National Administration of Food, Medicines and Medical Technology)  
 Instituto Nacional de Alimentos – INAL (National Food Institute)

**Brazil**

Ministério da Agricultura, Pecuária e Abastecimento – MAPA (Ministry of Agriculture, Livestock and Supply)  
 Agência Nacional de Vigilância Sanitária - ANVISA (National Health Surveillance Agency)

**Paraguay**

Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas – SENAVE (National Service for Health and Quality Plants and Seeds)  
 Ministerio de Agricultura y Ganadería – MAG (Ministry of Agriculture and Livestock)  
 Subsecretaría de Estado de Ganadería - SSEG - (Under Secretariat of Livestock)  
 Servicio Nacional de Calidad y Salud Animal – SENACSA - (National Service for Quality and Animal Health)

**Uruguay**

Dirección General de Servicios Agrícolas/MGAP DSSA (General Directorate of Plants Inspection Services/ Ministry of Livestock, Agriculture and Fisheries)  
 Dirección General de Recursos Acuáticos/MGAP – DINARA (General Directorate of Aquatic Resources/ General Directorate of Livestock/Ministry of Livestock, Agriculture and Fisheries)  
 Dirección General de Servicios Ganaderos/MGAP - DSSG (General Directorate of Livestock/Ministry of Livestock, Agriculture and Fisheries)  
 Dirección Nacional de Salud/MSP (National Health Office/Ministry of Health)

**For SACU****Botswana**

Measure: Phytosanitary / plant health  
 Contact: Mr Molatlhegi Modise  
 Title/position: Chief Plant Protection Officer  
 Address: Division of Plant Protection  
 Private Bag 0091  
 GABORONE  
 Country: Botswana  
 Language: English  
 Telephone: (+267) 392 8745/6 or 292 8766

Measure: Sanitary / animal health  
 Contact: Director of Animal Health and Production  
 Address: Ministry of Agriculture: Room 104  
 Private Bag 0032  
 GABORONE  
 Botswana

Language: English  
 Telephone: (+267) 395 0635  
 Fax: (+267) 390 3744 or 318 1383

### Lesotho

Measure: Phytosanitary / plant health  
 Contact: Dr. Matla Ranthamane  
 Title/position: Director of Agricultural Research  
 Address: Department of Agricultural Research  
 P.O Box 829  
 MASERU, 100  
 Lesotho

Language: English  
 Telephone: (+266) 22320786 / Mobile: (+266) 58883572  
 Fax: (+266) 22310362  
 E-Mail: [mmranthamane@yahoo.co.uk](mailto:mmranthamane@yahoo.co.uk)

Measure: Sanitary (animal health and animal products)  
 Contact: Dr. Marosi Molomo  
 Title/position: Director of Livestock Services  
 Address: Department of Livestock Services  
 Private Bag A 82  
 MASERU, 100  
 Lesotho

Language: English  
 Telephone: (+266) 22317282 / (+266) 324843 (Direct) / Mobile: (+266) 62000922  
 Fax: (+266) 22311500  
 E-Mail: [marosimolomo@yahoo.com](mailto:marosimolomo@yahoo.com)

### Namibia

Measure: Phytosanitary / Plant health  
 Contact: Director of Law Enforcement  
 Address: Ministry of Agriculture, Water and Forestry  
 Private Bag 13184  
 WINDHOEK  
 Namibia

Language: English  
 Telephone: (264 61) 208 7461  
 Fax: (264 61) 208 7786  
 E-Mail: [burgerr@mawrd.gov.na](mailto:burgerr@mawrd.gov.na)

Measure: Animal health  
 Contact: Director Veterinary Services  
 Address: Ministry of Agriculture, Water and Forestry  
 Private Bag 13184  
 WINDHOEK  
 Namibia

Language: English  
 Telephone: (264 61) 208 7513  
 Fax: (264 61) 208 7779

E-Mail: [huebschleo@mawrd.gov.na](mailto:huebschleo@mawrd.gov.na)

### South Africa

Measure: Phytosanitary / plant health  
 Contact: Ms Alice Baxter  
 Title/Position: Directorate Plant Health  
 Address: Department of Agriculture  
 Private Bag 14  
 PRETORIA 0031  
 South Africa  
 Language: English  
 Telephone: (+27 12) 319 6114  
 Fax: (+27 12) 319 6580;  
 Email: [DPH@nda.agric.za](mailto:DPH@nda.agric.za) or [PA.DPH@nda.agric.za](mailto:PA.DPH@nda.agric.za)

Measure: Animal health  
 Contact: Dr. Mpho Maja  
 Title/Position: Director: Animal Health  
 Address: Department of Agriculture  
 Private Bag X138  
 PRETORIA 0001  
 South Africa  
 Language: English  
 Telephone: (+27 12) 379 7456  
 Fax: (+27 12) 329 7218  
 E-mail: [mphom@nda.agric.za](mailto:mphom@nda.agric.za) or [SMAH@nda.agric.za](mailto:SMAH@nda.agric.za)

Measure: Food safety  
 Contact: Ms J.M.Rathebe  
 Title/Position: Director: Food Safety and Quality Assurance  
 Address: Department of Agriculture  
 Private Bag X343  
 PRETORIA 000  
 South Africa  
 Language: English  
 Telephone: (+27 12) 319 7304  
 Fax: (+27 12) 319 6764  
 E-mail: [SMFSQA@nda.agric.za](mailto:SMFSQA@nda.agric.za)

Measure: Competent National Authority under the  
 Cartagena Protocol on Biosafety, & Registrar of the Genetically  
 Modified Organisms Act  
 Contact: Dr Julian Jaffha  
 Title/Position: Director: Genetic Resources Management  
 Address: Department of Agriculture  
 Private Bag X973  
 PRETORIA 0001  
 Language: English  
 Telephone: (+27 12) 319 6024  
 Fax: (+27 12) 319 6385  
 E-mail: [smgrm@nda.agric.za](mailto:smgrm@nda.agric.za) or [michellev@nda.agric.za](mailto:michellev@nda.agric.za)

Measure: Plant Breeders' Rights Act  
 Contact: Ms Michelle Vosges  
 Title/Position: Registrar: Plant Breeders' Rights Act  
 Address: Department of Agriculture  
 Private Bag X973  
 PRETORIA 0001  
 South Africa

Language: English  
Telephone: (+27 12) 3196253  
Fax: (+27 12) 319 6385  
Email: [michellev@nda.agric.za](mailto:michellev@nda.agric.za)

### Swaziland

Measure: Phytosanitary / plant health  
Contact: Mr. George Similo Mavimbela  
Title/Position: Research Officer  
Address: Agricultural Research Division (ARD)  
Ministry of Agriculture and Co-operatives  
Malkerns Research Station  
P.O. Box 4  
MALKERNS  
Country: Swaziland  
Language: English  
Telephone: (+268) 5283038 / 5283220  
Fax: (+268) 5283360  
E-mail: [mrs@realnet.co.sz](mailto:mrs@realnet.co.sz) or [Seemelo@yahoo.com](mailto:Seemelo@yahoo.com)

Measure: Sanitary / Animal health  
Contact: Dr Roland Xolani Dlamini  
Title/Position: Regional Veterinary Officer  
Address: Directorate of Veterinary Services  
Ministry of Agriculture and Cooperatives  
P.O. Box 4192  
MANZINI  
Country: Swaziland  
Language: English  
Telephone: (+268) 5052270 / (+268) 505 2113  
Fax: (+268) 505 6443  
Email: [roland@africaonline.co.sz](mailto:roland@africaonline.co.sz)

**ANNEX 1**

**FORM FOR CONSULTATIONS ON SPECIFIC TRADE CONCERNS  
REGARDING SANITARY AND PHYTOSANITARY MEASURES**

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Measure under consultation causing concerns: \_\_\_\_\_  
Country, which applies the measure: \_\_\_\_\_  
Responsible institution for application of the measure: \_\_\_\_\_  
WTO Notification Number, whenever if applicable: \_\_\_\_\_  
Consulting country: \_\_\_\_\_  
Consultation date: \_\_\_\_\_  
Responsible Institution for consultation: \_\_\_\_\_  
Division name: \_\_\_\_\_  
Name of Responsible Official: \_\_\_\_\_  
Title of Responsible Official: \_\_\_\_\_  
Telephone, fax, e-mail and mailing address: \_\_\_\_\_  
Product(s) affected by the measure: \_\_\_\_\_  
Sub-tariff item(s): \_\_\_\_\_  
Product(s) description (specify): \_\_\_\_\_  
Is there any relevant international standard? Yes \_\_\_\_\_ No \_\_\_\_\_  
In case this does exist, give the number and title of the specific international  
standard(s), guideline(s) or recommendation(s): \_\_\_\_\_  
Objective or reason for consultation: \_\_\_\_\_

## ANNEX VII

### ANNEX ON MUTUAL ADMINISTRATIVE ASSISTANCE BETWEEN THE CUSTOMS ADMINISTRATIONS OF THE COMMON MARKET OF THE SOUTH (MERCOSUR) AND THE SOUTHERN AFRICAN CUSTOMS UNION (SACU) REGARDING CUSTOMS CO-OPERATION MATTERS

#### Article 1

##### Definitions

For the purposes of this Annex, unless the context otherwise requires:

- (a) "Customs administration" means, for:
- (i) the Government of the Republic of Argentina, the Federal Administration of Public Income;
  - (ii) the Government of the Federative Republic of Brazil, the Federal Revenue Secretariat of Brazil, Ministry of Finance (Ministério da Fazenda - Receita Federal);
  - (iii) the Government of the Republic of Paraguay, the Customs Administration;
  - (iv) the Government of the Oriental Republic of Uruguay, the Customs Administration;
  - (v) the Government of the Republic of Botswana, the Botswana Unified Revenue Service;
  - (vi) the Government of the Kingdom of Lesotho, the Lesotho Revenue Authority;
  - (vii) the Government of the Republic of Namibia, the Directorate of Customs and Excise in the Ministry of Finance;
  - (viii) the Government of the Republic of South Africa, the South African Revenue Service; and
  - (ix) the Government of the Kingdom of Swaziland, the Department of Customs and Excise;
- (b) "Customs law" means all the legal and administrative provisions applicable or enforceable by the Customs administrations in connection with the importation, exportation, transshipment, transit, storage, and movement of goods, including:
- (i) the collection, guaranteeing or repayment of duties, taxes and other charges; and
  - (ii) action in relation to measures of prohibition, restriction or control;

- (c) "Customs offence" means any violation or attempted violation of Customs law;
- (d) "official" means any Customs officer; or other government agent designated by the Customs administration of the Parties;
- (e) "person" means both natural and legal persons;
- (f) "information" means any data, whether or not processed or analysed, any documents, reports, and other communications in any format, including electronic, or certified or authenticated copies thereof;
- (g) "narcotic drugs and psychotropic substances" means the products in the list of the Single Convention of the United Nations relating to Narcotic Drugs of 30 March 1961, the Convention of the United Nations on Psychotropic Substances of 21 February 1971, as well as chemical substances in the list of Annexes I and II of the Convention of the United Nations against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 20, 1988;
- (h) "requested administration" means the Customs administration from which assistance is requested;
- (i) "requested Signatory Party" means the Signatory Party whose Customs administration is requested to provide assistance;
- (j) "requesting administration" means the Customs administration which requests assistance;
- (k) "requesting Signatory Party" means the Signatory Party whose Customs administration requests assistance.

## **Article 2**

### **Objective**

The main objective of this Annex is to promote co-operation between the Customs administrations of the Signatory Parties in all matters pertaining to Customs.

## **Article 3**

### **Scope**



1. The assistance provided under this Annex shall apply to the Customs territories of the Argentine Republic, the Federative Republic of Brazil, the Republic of Paraguay, the Oriental Republic of Uruguay, the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia, the Republic of South Africa and the Kingdom of Swaziland, hereinafter referred to as the Signatory Parties.
2. The Signatory Parties shall assist each other, in the areas within their competence, in the manner and under the conditions laid down in this Annex, to ensure the correct application of Customs law, in particular by preventing, investigating and combating Customs offences.
3. The assistance given under this Annex shall satisfy the legal and administrative provisions in force in the territory of the requested Signatory Party and shall be performed within the competence and available resources of its Customs administration.
4. This Annex is limited to mutual administrative assistance among the Signatory Parties and does not modify the contents of the mutual legal assistance agreements already concluded. In case other authorities of the requested Signatory Party should render assistance, the requested administration shall determine the names of said authorities and, where known, the applicable instrument or pertinent agreement.
5. The assistance provided for in this Annex does not include collection proceedings by the requested administration regarding Customs rights, taxes or any other amount owed to the requesting administration.

#### **Article 4**

##### **Communication of Information**

1. The Customs administrations shall supply, either on request or on their own initiative, any information that may contribute to ensure the proper application of Customs law and in order to prevent, investigate and combat Customs offences.
2. Each Customs administration shall, either on request or on its own initiative, supply all available information, records of evidence or certified copies of documents as well as any other available information related to concluded, planned or ongoing activities, which constitute or appear to constitute a Customs offence in the territories of the other Signatory Parties, together with the necessary information for its interpretation or utilisation.
3. The aforementioned documents may be substituted with electronic information for the same objective.

#### **Article 5**

### **Spontaneous Assistance**

1. The Customs administrations shall, on its own initiative, supply information related to concluded, planned or ongoing transactions, which constitute or appear to constitute a Customs offence.
2. In cases that could involve substantial damage to the economy, public health, public security or other vital interests of the other Signatory Parties, the Customs administrations shall, wherever possible, supply information its own initiative without delay.

### **Article 6**

#### **Information for the Application of Customs Law Enforcement**

1. The Customs administrations shall communicate to each other, either on request or on their own initiative, all the available information which may contribute to proper application of Customs law or in the prevention of Customs fraud. This information may include:
  - (a) new law enforcement techniques;
  - (b) new trends, means and methods used to commit Customs offences;
  - (c) goods known to be the subject of Customs offences, as well as means of transport and storage methods used in respect of those goods; and
  - (d) all relevant information, which may be used by the Customs administrations to evaluate risks for the purpose of control and to facilitate trade.
2. The Customs administrations may share information on their work procedures aimed at improving their knowledge on procedures and techniques used by the other Customs administrations.
3. The Customs administrations shall provide each other, within the limits of their competence and available resources, with technical assistance, consulting services, training, secondments and exchanges of officials.
4. Upon request, the requested administration shall supply to the requesting administration information concerning the following matters:
  - (a) whether goods which are imported into the territory of the requesting Signatory Party have been lawfully exported from the territory of the requested Signatory Party;

- (b) whether goods which are exported from the territory of the requesting Signatory Party have been lawfully imported into the territory of the requested Signatory Party and the nature of the Customs procedure or regime, if any, under which the goods have been placed.
5. If appropriate, the information shall have to determine the Customs procedures applied to the goods and, in particular, the Customs clearance.

### **Article 7**

#### **Assistance for the Assessment of Import or Export Duties and Taxes**

1. On request, the requested administration shall provide information to assist the requesting administration in the proper application of Customs law, including in the areas of Customs value, tariff classification and origin of goods, when the requesting administration has reason to doubt the truth or accuracy of a declaration.
2. The information provided shall include:
  - (a) in respect of the value of goods for Customs purposes, information necessary for verifying the declared value;
  - (b) in respect of the tariff classification of goods, information necessary to determine the accuracy of the declared tariff classification; and
  - (c) in respect of the origin of goods, information necessary to determine the accuracy of the declared origin of goods.

### **Article 8**

#### **Surveillance of Persons, Goods, Places and Means of Transport**

Each Customs administration shall, on its own initiative or upon written request, under the terms of its domestic laws and in accordance with its administrative practices, maintain special surveillance over and provide the requesting administration with information on:

- (a) persons known to have committed or suspected of being about to commit a Customs offence in the territory of the requesting Signatory Party, particularly those moving into and out of the territory of the requested Signatory Party;
- (b) suspect movement of goods notified by the requesting administration as giving rise to a Customs offence in the territory of that Signatory Party;

- (c) places used for storing goods which may be used in connection with substantial Customs offences in the territory of the requesting Signatory Party; and
- (d) means of transport known to have been used or suspected of being used to commit Customs offences in the territory of the requesting Signatory Party.

## **Article 9**

### **Visits by Officials**

1. On written request, officials designated by the requesting administration may, with the authorisation of the requested administration and subject to conditions the latter may impose, for the purpose of investigating a Customs offence:
  - (a) examine in the offices of the requested administration the documents, registers and other relevant information in respect of that Customs offence;
  - (b) take copies of the documents, registers and other information relevant in respect of that Customs offence; and
  - (c) be present during an enquiry conducted by the requested administration relevant to the requesting administration.
2. Where the requested administration considers it appropriate for an official of the requesting administration to be present when measures of assistance are carried out pursuant to a request, the requested administration may invite the participation of that official, subject to any terms and conditions it may specify.
3. When, in the circumstances provided for in this Annex, officials of the Customs administration of a Signatory Party are present in the territory of another Signatory Party, they must at all times be able to furnish proof of their official capacity.
4. They shall, while there, enjoy the same protection accorded to Customs officials of that other Signatory Party in accordance with the domestic law of that Signatory Party and be responsible for any offence they might commit. They shall not be in uniform nor carry arms.

## **Article 10**

### **Communication of Requests**

1. Requests for assistance under this Annex shall be exchanged directly between the Customs administrations of the Signatory Parties. Each Customs administration shall designate a contact point for this purpose and communicate the details of the contact point to the other Customs administrations.
2. Requests for assistance shall be made in writing or electronically, and shall be accompanied by any information deemed useful to comply with the request. The requested administration may require written confirmation of electronic requests. Where the circumstances so require, requests may be made orally. Such requests shall be confirmed as soon as possible either in writing or, if acceptable to both Customs administrations, by electronic means. Requests shall be made in the Portuguese or Spanish languages to MERCOSUR and in the English language to SACU.
3. Requests made pursuant to paragraph 2, shall include the following details:
  - (a) the name of the requesting administration and the name of the national point of contact;
  - (b) the subject matter, the type of assistance requested and reasons for the request;
  - (c) a brief description of the subject matter and applicable legal and administrative provisions that apply;
  - (d) the names and addresses of the persons involved in the request if known; and
  - (e) other available information to enable the requested administration to effectively comply with the request.

## **Article 11**

### **Use of Information**

1. Any information received under this Annex shall be used only by the Customs administrations and solely for the purposes of this Annex.
2. On request, the Signatory Party that supplied the information may, notwithstanding paragraph 1, authorise its use by other authorities or for other purposes, subject to any terms and conditions it may specify. Such use shall be in accordance with the legal and administrative provisions of the Signatory Party which seeks to use the information. The use of information for other purposes includes its use in criminal investigations, prosecutions or proceedings.

## **Article 12**

### **Confidentiality and Protection of Information**

1. Any information received under this Annex shall be treated as confidential and shall, at least, be subject to the same confidentiality and protection as the same kind of information is subject to under the legal and administrative provisions of the requesting Signatory Party. Where a higher degree of protection is required by the requested administration for the supplied information, such requirement shall be mandatory once specified by the requested administration.
2. The requesting administration shall be responsible, in accordance with its own legal and administrative provisions, for any damage suffered by a person as a consequence of the information provided by the requested administration, in accordance with the provisions of this Annex.

## **Article 13**

### **Exception from the Obligation to Render Assistance**

1. If the requested administration considers that the assistance requested might be prejudicial to the public policy, sovereignty, security or other essential interests of that Signatory Party, or might involve violation of industrial, commercial or professional secrecy, it may decline to provide assistance or it may provide the assistance only if certain conditions are met, or it may provide a reduced level of assistance.
2. Where the requesting administration would be unable to comply if a similar request were made by the requested administration, it shall draw attention to that fact in its request. Compliance with such a request shall be at the discretion of the requested administration.
3. If assistance is refused or a reduced level only can be provided, the decision and the reasons therefore shall be notified in writing to the requesting administration without delay.

## **Article 14**

### **Costs**

1. The Customs administrations shall waive all claims for reimbursement of costs incurred in the execution of this Annex, except for expenses and allowances paid to experts and to witnesses as well as costs of translators or interpreters other than officials, which shall be borne by the requesting administration.

2. If the expenses that will be required to execute a request are of a substantial or extraordinary nature, the Signatory Parties concerned shall consult to determine the terms and conditions under which the request will be executed as well as the manner in which the costs shall be borne.

### **Article 15**

#### **Implementation**

The Customs administrations of the Signatory Parties shall jointly determine the detailed arrangements for the implementation of this Annex.

### **Article 16**

#### **Final Provisions**

1. This Annex shall complement and not impede application of any agreements on mutual administrative assistance which have been or may be concluded between the Signatory Parties. Neither shall it preclude more extensive mutual assistance granted under such agreements.
2. The provisions of this Annex shall not affect the obligations of the Signatory Parties under any other international agreement or convention.
3. Notwithstanding the provisions of paragraph 1, the provisions of this Annex shall take precedence over the provisions of any bilateral agreement on mutual assistance which has been or may be concluded between individual States Party to MERCOSUR and any Member Status of SACU in so far as the provisions of the latter are incompatible with those of this Annex