



Southern African Development Community European Union Economic Partnership Agreement

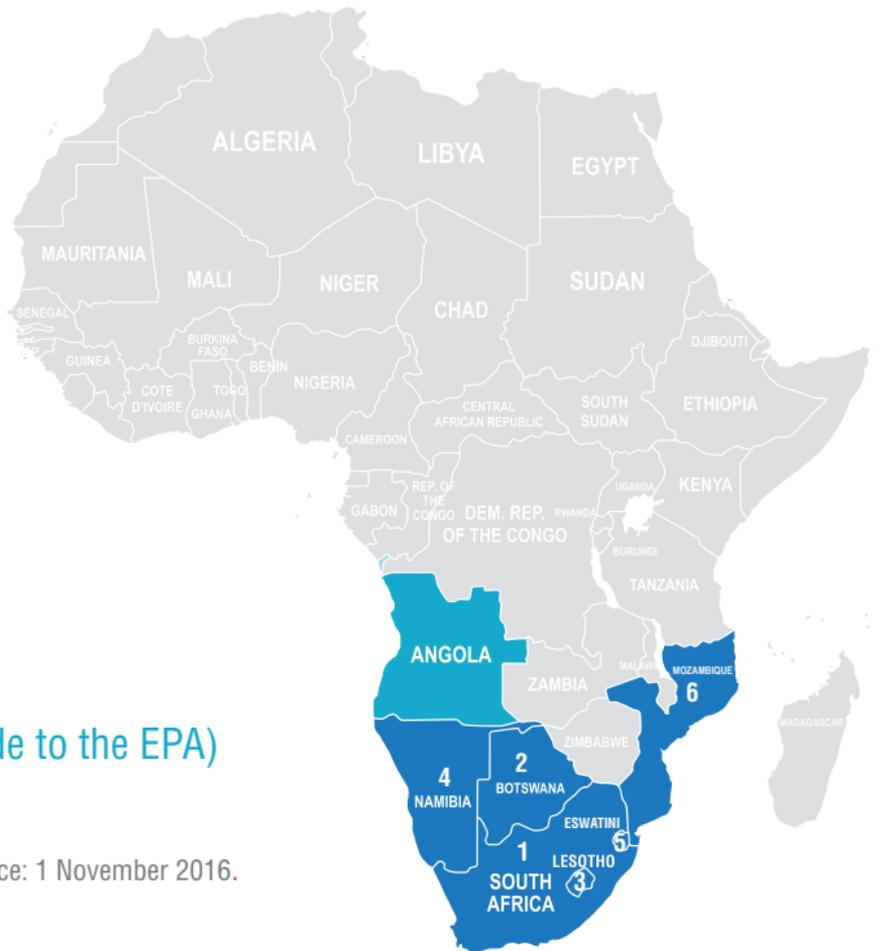


This activity was supported by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ)

The SADC – EU EPA is a comprehensive economic partnership agreement between:

**European Union
and**

- 1. South Africa**
- 2. Botswana**
- 3. Lesotho**
- 4. Namibia**
- 5. Eswatini**
- 6. Mozambique**



(Angola has applied to accede to the EPA)

Signed: 10 June 2016.

Market access provisions entered into force: 1 November 2016.

European Union member states

- | | | | |
|-----|----------------|-----|-----------------|
| 1. | Austria | 15. | Italy |
| 2. | Belgium | 16. | Latvia |
| 3. | Bulgaria | 17. | Lithuania |
| 4. | Croatia | 18. | Luxembourg |
| 5. | Cyprus | 19. | Malta |
| 6. | Czech Republic | 20. | Netherlands |
| 7. | Denmark | 21. | Poland |
| 8. | Estonia | 22. | Portugal |
| 9. | Finland | 23. | Romania |
| 10. | France | 24. | Slovak Republic |
| 11. | Germany | 25. | Slovenia |
| 12. | Greece | 26. | Spain |
| 13. | Hungary | 27. | Sweden |
| 14. | Ireland | | |

Due to Brexit, the United Kingdom (UK) is no longer a member of the EU, and thus no longer subject to the EU's administrative systems and rules of trade. Rather, the UK now trades under its own trade agreements, rules and administrative systems. As of 1 January 2021, South Africa, together with Botswana, Lesotho, Eswatini, Namibia and Mozambique, now trade with the UK under a new trade agreement called the Southern African Customs Union plus Mozambique (SACUM) - UK EPA. The new agreement almost exactly replicates the terms of the SADC-EU EPA.

South African goods entering the UK market, therefore, continue to enjoy the same preferential access to the UK as under the SADC-EU EPA. The same applies to UK goods entering South Africa.

The SADC-EU EPA provides preferential access to the EU market for 98.7% of South African goods (96.2% fully duty free and 2.5% partially). Goods that are partially duty free are subject to Tariff Rate Quotas (TRQs). These goods are listed below. See page 8 for an explanation of the asymmetrical nature of the SADC-EU EPA, and page 31 for more information about applying for quota allocation.

The following goods are subject to TRQs:

- Skimmed milk powder
- Butter
- Strawberries
- Sugar
- White crystalline powder
- Citrus jams
- Canned fruit, except tropical canned fruit
- Tropical canned fruit
- Frozen orange juice
- Apple juice and pineapple juice
- Active yeast
- Wine
- Ethanol
- Cut flowers: (fresh) roses, orchids, chrysanthemums, lilies and “other”
- Cut flowers: (non-fresh)

EPAs are trade and development agreements negotiated between the EU and regional economic communities within the African, Caribbean and Pacific (ACP) group of states.

Economic Partnership Principles

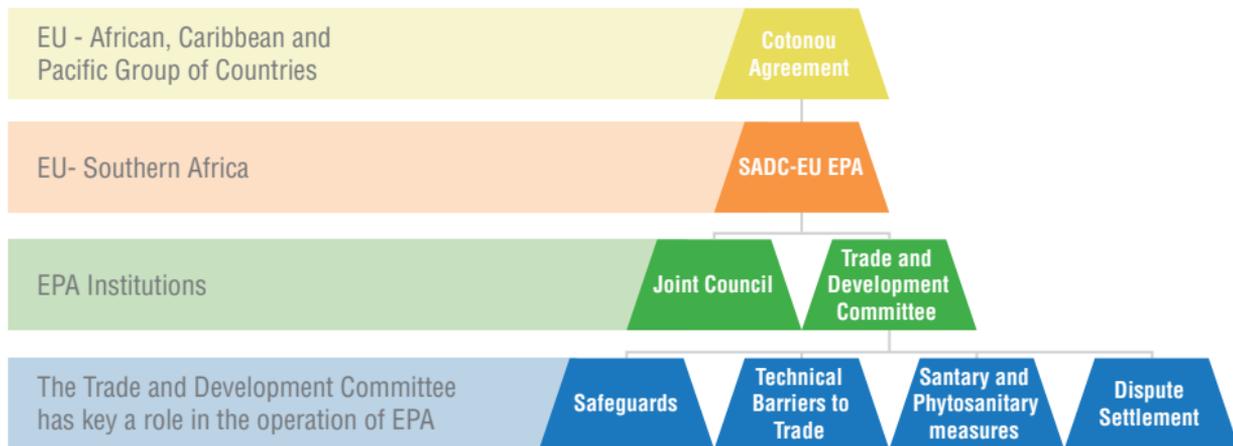
**Human
Rights**

Rule of Law

Democracy

**Regional
Integration**

Institutional Overview

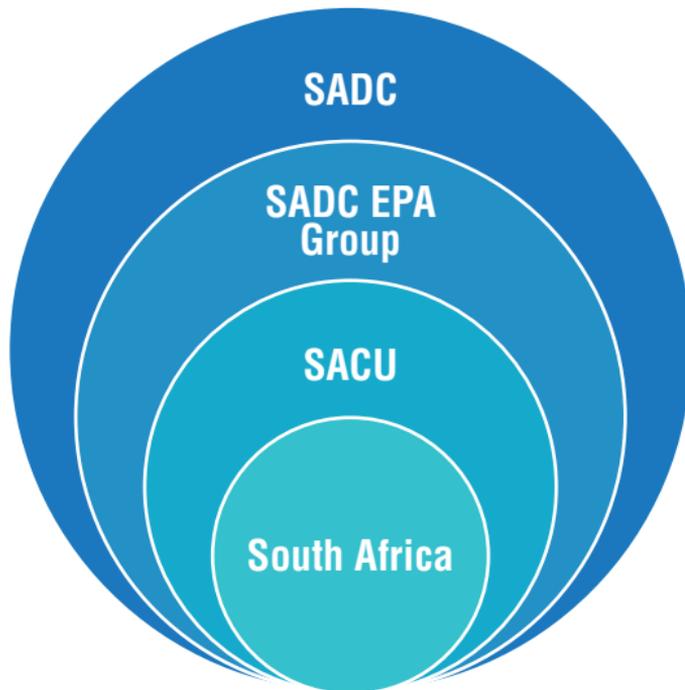


The SADC-EU EPA includes a 3 stage dispute settlement mechanism



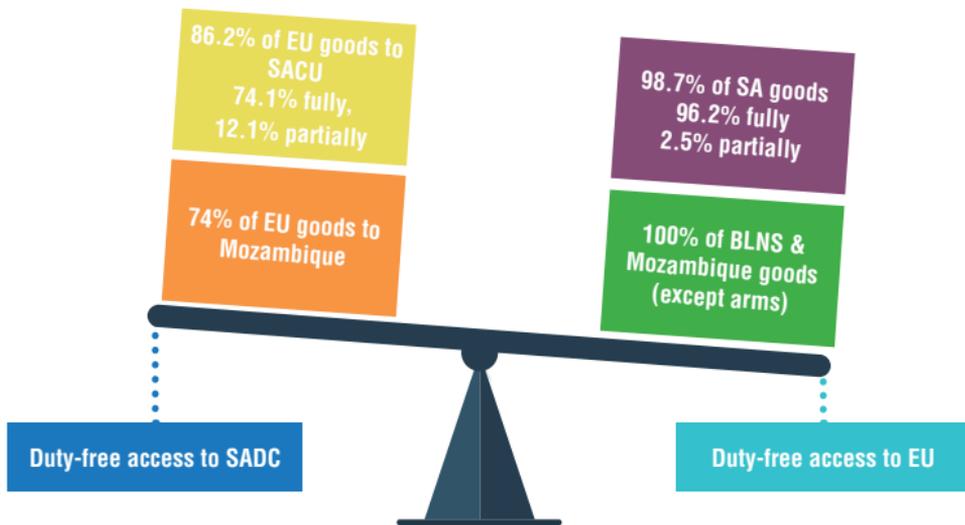
Regional Integration in Southern Africa

The EPA has a strong focus on regional integration and fostering regional value chains in the SADC EPA group of countries. The SADC EPA group of countries does not consist of the entire SADC bloc, but rather members of the Southern African Customs Union (SACU) plus Mozambique, with an option for Angola to join in the future. Since it is a customs union, SACU always negotiates trade agreements as a bloc. In this case, Mozambique (and Angola) are also included.



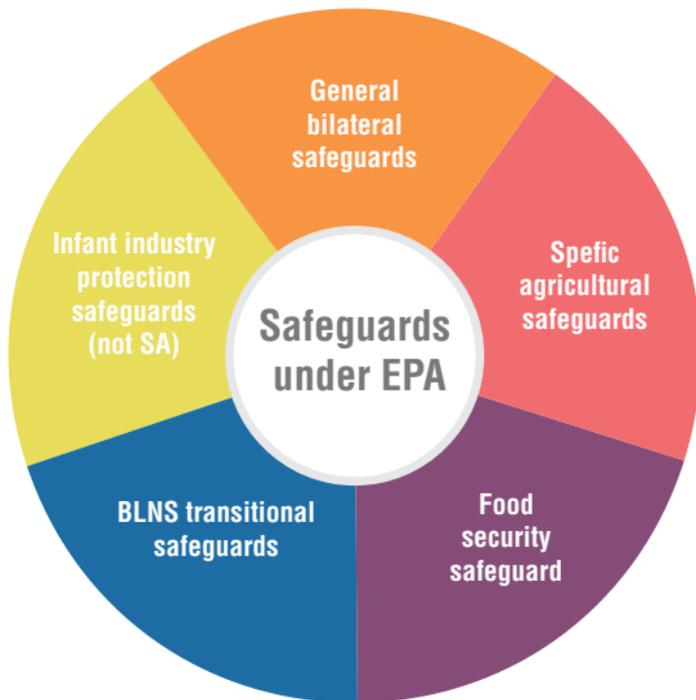
Reciprocal but Asymmetrical Trade Agreement

The SADC-EU EPA is a reciprocal trade agreement, meaning both the EU and the SADC EPA group offer preferential market access to each other; however the EU provides greater preferential and duty free access, while the SADC EPA group are allowed to maintain protection of sensitive sectors.



Exceptions: Safeguards and Infant Industries

A safeguard measure is a “safety valve”. It allows an importing member state to temporarily suspend reduced import duties, or increase duties to protect a specific domestic industry from a sudden increase in imports which causes serious injury to its domestic industry. The SADC EPA includes various types of safeguards.



EU export subsidies
Article 68 of the EPA prohibits the use of export subsidies by the SADC EPA states on agricultural goods traded between them. This was the first time the EU committed to this in a trade agreement.

General bilateral safeguards

Implementation of EPA obligations

Reduction of tariffs on imported cheese

Increase in imports of cheese

Domestic cheese makers suffer

Institute safeguards for cheese (temporarily)

Further tariff reductions suspended/tariffs increased/tariff quotas

(for example, cheese)

General bilateral safeguards

Implementation of EPA obligations by SACU

Reduction of tariffs on specified products

Designated annual volume of specified EU imports exceeded

Offal, worked cereals, meat preparations, long-life milk, preserved cucumbers and olives, chocolate

SACU can apply safeguard

Increased tariffs for remainder of calendar year or 5 month period.

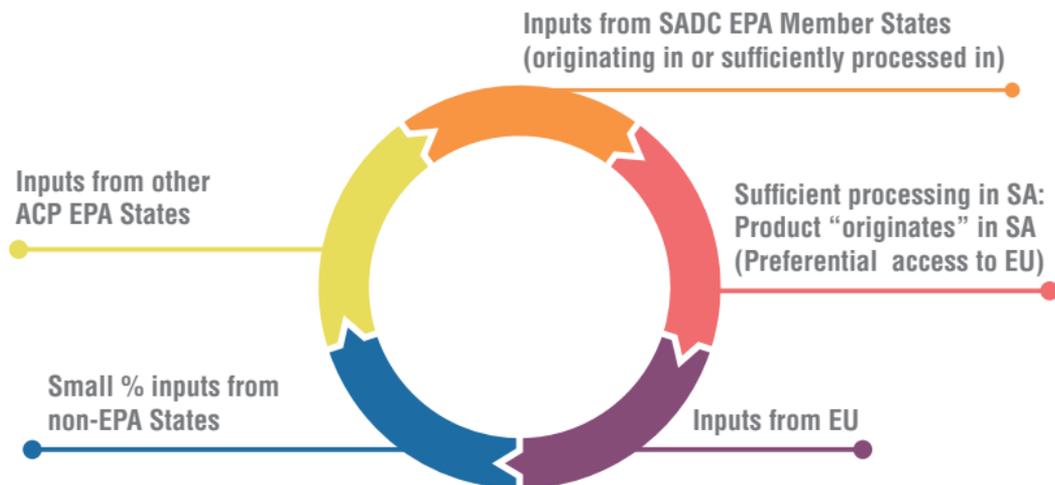
SACU can implement specific agricultural safeguards (an import duty) on 23 specified agricultural products imported from the EU if a designated volume is exceeded.

Rules of Origin and Promoting Value Chains

Rules of Origin (RoO): To be eligible for preferential treatment under a trade agreement, a product needs to originate (fully or partially) in a country that is party to the trade agreement. The criteria for what percentage of inputs can be sourced externally depends on the specific RoO contained in the agreement.

The SADC EPA RoO are formulated to support the development of regional value chains and enable producers to source inputs from various other countries without losing free access to the EU.

“Cumulation” allows originating products of, for example, Zimbabwe, to be further processed or added to products originating in, for example, South Africa, just as if they had originated in South Africa. The EPA makes provision for different types of cumulation. E.g.



Example: Clothing Manufacturing (Product specific rules)



Example: Anchovies



Opportunity to develop regional value chains.

NOTE: RoO cumulation arrangements between SADC EPA states and other states with whom cumulation is permitted has still to be implemented.

Developments related to the EPA and trade with the EU

European Union New Green Deal

With the aim of achieving climate neutrality by 2050, EU member states agreed to the European Green Deal (EGD) in 2019. The EGD includes a set of policy objectives and initiatives which aim to ensure that all sectors across the EU economy contribute to the achievement of the EU's climate targets, including the immediate target of, at least, a 55% net reduction in greenhouse gas emission by 2030.

To give effect to this agreement, the European Commission adopted a series of legislative proposals in July 2021, setting out how it intends to achieve its targets. These legislative changes, once finalised, will have implications on imports entering the EU. Policy and legislative initiatives include:

Carbon Border Adjustment Mechanism (CBAM)

- To mitigate the risk of production being transferred from the EU to other countries with lower ambition for emission reduction, or of EU products being replaced by more carbon intensive imports
- The first phase of the CBAM will focus on goods most at risk of carbon leakage, including cement, fertilisers, iron & steel, aluminium and electricity

Farm to Fork Strategy

- EU aims to become a leader in setting sustainable global food standards
- To reduce waste, and transform manufacturing, processing, retailing, packaging, and transportation of food
- South African exporting companies involved in agriculture, food processing, labelling and packaging need to be prepared for new compliance requirements that may be introduced in line with this strategy

Circular Economy Action Plan (CEAP)

- This plan aims to make sustainable products, services and business models the norm; ensuring less waste by reusing and recycling materials
- This initiative could present new business opportunities for Western Cape companies

South African exporters will need to remain attentive as these proposed initiatives take shape and become effective. The rapid shift to climate neutrality, being driven by major economies, will bring new compliance procedures, changes in production processes, and evolving consumer preferences. South Africa's heavy reliance on coal poses a substantial threat to its export competitiveness by raising the carbon intensity of production.

SADC-EU EPA review

The EPA's revision clause requires the parties to review the Agreement in its entirety no later than five years after entry into force. Initiated at the end of 2021, this review is currently underway. The review provides an opportunity to revisit current provisions, and to raise matters relating to trade under the EPA, for example, the EGD. In particular, this presents an opportunity to explore development assistance in relation to a green transition and the ability to comply with environmental requirements.

Dispute concerning the safeguard measure imposed by SACU on imports from the EU

On 14 June 2019, the EU launched dispute settlement proceedings with SACU under the Dispute settlement and avoidance Part (Part III) of the SADC-EU EPA, by requesting consultations concerning safeguard measures imposed by SACU on frozen bone-in chicken cuts from the EU.

The consultations between the EU and SACU took place on 13 September 2019 but did not resolve the dispute. The EU, therefore, requested the establishment of an arbitration panel in line with the dispute settlement procedures. This arbitration panel has now been appointed (December 2021) with the dispute set to proceed to arbitration.

SADC EPA Group exports to the European Union, 2020

Eswatini

0.4%

Top Products

- Cane or beet sugar
- Fruit, nuts and other edible parts of plants
- Udenaturated ethyl alcohol of an alcoholic strength of <80%

Top Markets

- Germany
- United Kingdom
- Netherlands

Lesotho

1.1%

Top Products

- Diamonds
- Women's clothing
- Plants and parts of plants

Top Markets

- Belgium
- Germany
- United Kingdom

Botswana

3.8%

Top Products

- Diamonds
- Frozen meat of bovine
- Fresh meat of bovine

Top Markets

- Belgium
- Germany
- United Kingdom

South Africa

85.4%

Top Products

- Platinum
- Motor cars principally designed for the transport of persons
- Motor vehicles for the transport of goods

Top Markets

- Germany
- United Kingdom
- Netherlands

Mozambique

5.1%

Top Products

- Unwrought aluminium
- Unmanufactured tobacco
- Coal

Top Markets

- United Kingdom
- Italy
- Netherlands

Namibia

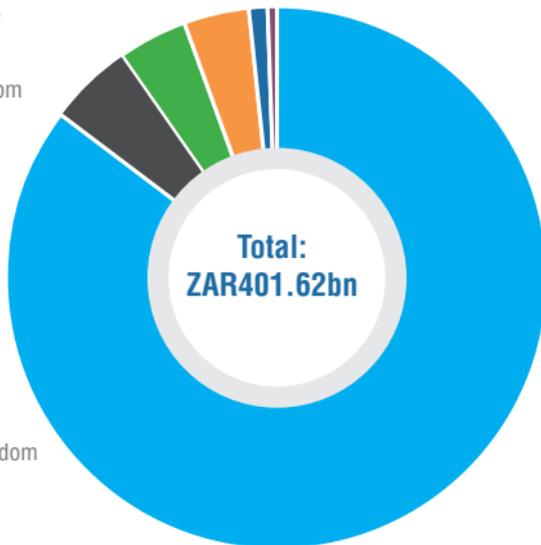
4.2%

Top Products

- Copper
- Fish fillets and other fish meat
- Diamonds

Top Markets

- Belgium
- Spain
- Germany



Source: TradeMap (2021)

Top 5 European Union Exporters to SADC, 2020

United Kingdom¹ 13%

Top Products

- Undenatured ethyl alcohol of an alcoholic strength of <80%
- Motor cars and other motor vehicles principally designed for the transport of persons
- Waste and scrap of primary cells

Top Markets

- South Africa
- Mozambique
- Namibia

Netherlands 13.7%

Top Products

- Petroleum oils and oils obtained from bituminous minerals (non-crude)
- Medicaments
- Telephone sets

Top Markets

- South Africa
- Mozambique
- Namibia

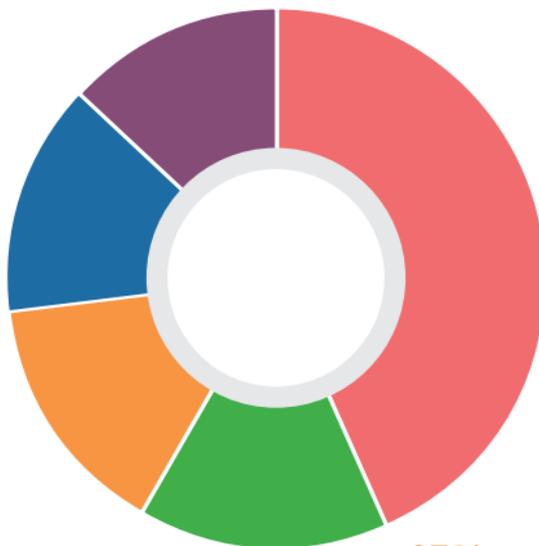
Belgium 15%

Top Products

- Diamonds
- Petroleum oils and oils obtained from bituminous minerals (non-crude)
- Human blood; animal blood

Top Markets

- South Africa
- Botswana
- Mozambique



Germany 43.4%

Top Products

- Part and accessories for tractors and motor vehicles for ten or more persons
- Motor cars principally designed for the transport of persons
- Colloidal precious metals

Top Markets

- South Africa
- Mozambique
- Namibia

France 15%

Top Products

- Medicaments
- Human blood; animal blood
- Wheat and meslin

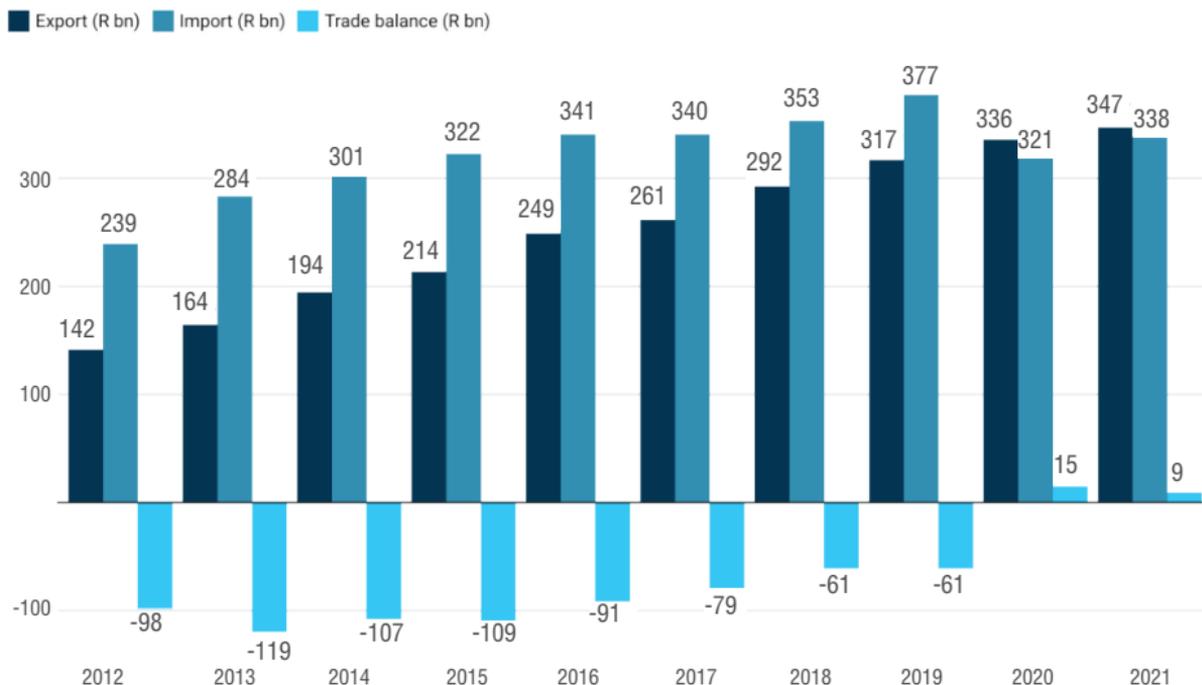
Top Markets

- South Africa
- Botswana
- Mozambique

¹ As of 1 January 2021, the UK is no longer part of the EU.

Trade flows between South Africa and the European Union, 2012-2021

Except in 2020 and 2021, South Africa's imports from the EU have generally been more than its exports to the EU. The growth rates of imports was -15% and 5.3% in 2020 and 2021 respectively. Exports, on the other hand, increased by 6% in 2020 and 3.3% in 2021 (in spite of the exclusion of the UK). The average growth rate of exports was 10.6% between 2013 and 2021. Moreover, imports increased by 4.2%, on average, over the same period.

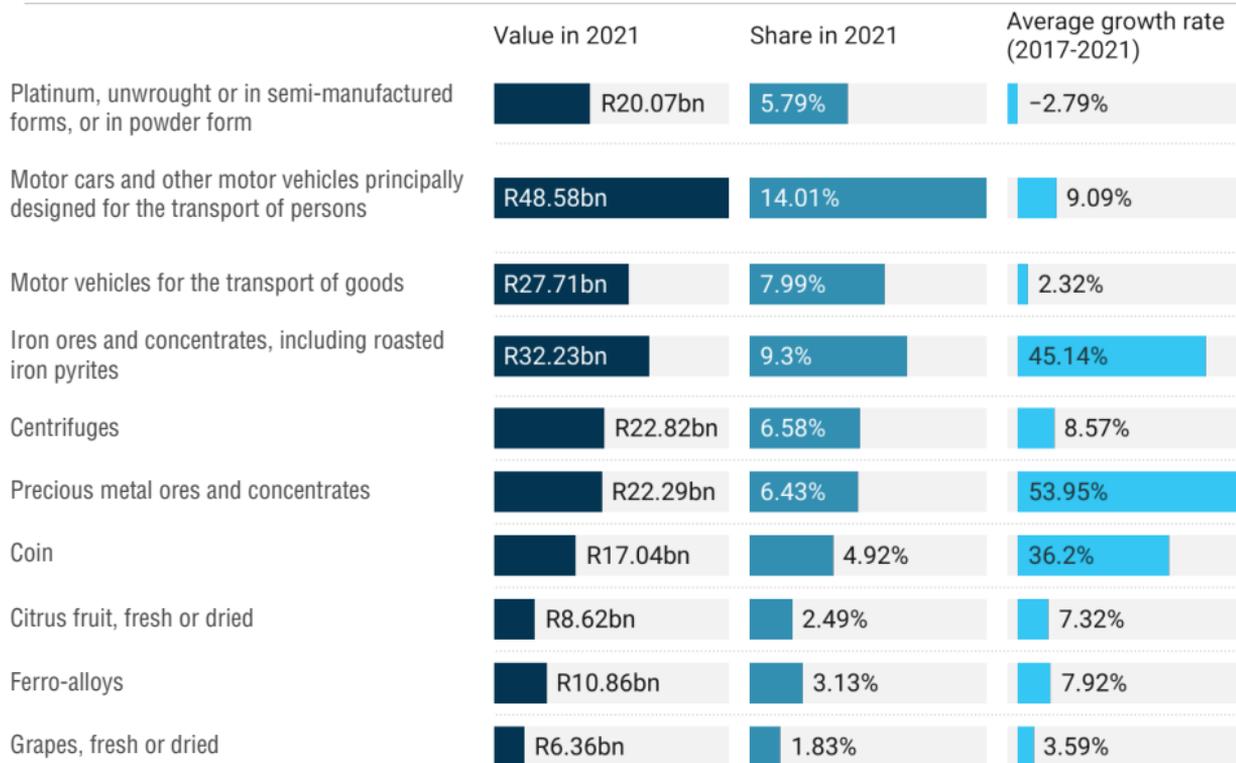


Note: the UK is excluded from 2021 data due to Brexit

Source: Quantec (2022)



Top 10 RSA exports to the European Union



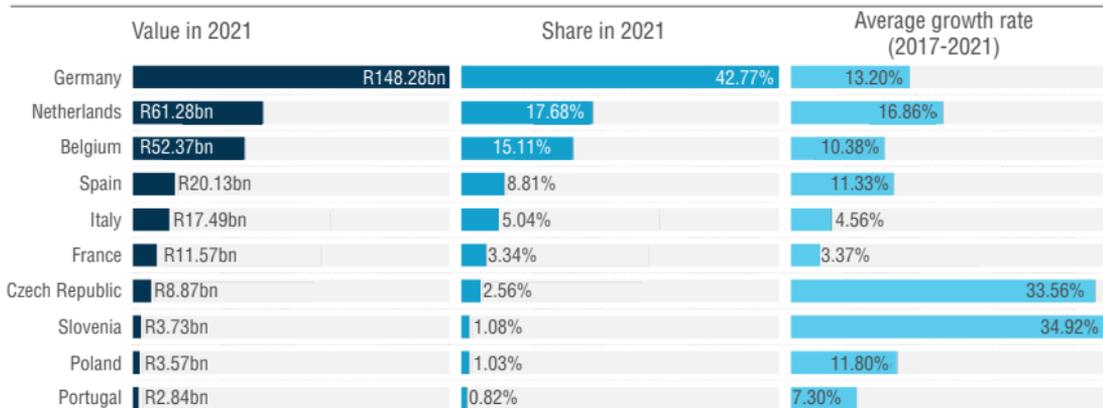
Source: Quantec, (2022)

Top 10 RSA imports from the European Union

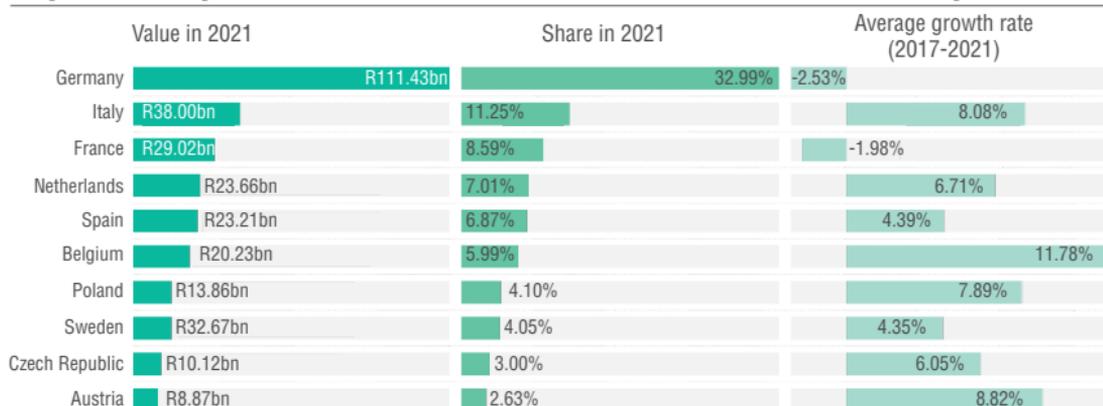
	Value in 2021	Share in 2021	Average growth rate (2017-2021)
Original equipment components	R53.31bn	15.78%	2.49%
Petroleum oils and oils obtained from bituminous minerals (non-crude)	R17.94bn	5.31%	40.67%
Motor cars and other motor vehicles principally designed for the transport of persons	R14.48bn	4.29%	-8.62%
Parts and accessories of the motor vehicles of headings 87.01 to 87.05	R10.52bn	3.11%	3.47%
Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol.; spirits, liqueurs and other spirituous beverages	R2.11bn	0.62%	-6.65%
Medicaments	R3.42bn	1.01%	-9.67%
Wheat and meslin	R3.6bn	1.07%	31.87%
Parts suitable for use solely or principally with the machinery of headings 84.25 to 84.30	R3.43bn	1.02%	3.01%
Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products	R3.35bn	0.99%	7.26%
Automatic data processing machines and units thereof	R3.15bn	0.93%	-1.91%

Source: Quantec (2022)

Top 10 European Union member countries South Africa exports to



Top 10 European Union member countries South Africa imports from



Source: Quantec (2022)

Trade flows between the Western Cape and the European Union, 2012-2021

Compared to other political and economic Unions, the EU was the Western Cape's largest export partner in 2021. Between 2012 and 2021, the Western Cape mostly had a trade deficit with the EU, except in 2020 where the province recorded a positive trade balance of ZAR4.26 billion. This was as a result of a 29.1% increase in exports, coupled with a 4.3% decline in imports in 2020 relative to the previous year. The average growth rates of exports and imports, from 2013 to 2021, were 7% and 6.4 respectively.

■ Export (R bn) ■ Import (R bn) ■ Trade balance (R bn)



Source: Quantec (2022)



Top 10 Western Cape exports to the European Union

	Value in 2021	Share in 2021	Average growth rate (2017-2021)
Citrus fruit, fresh or dried	R5,35bn	15,47%	8,51%
Grapes, fresh or dried	R5,05	14,59%	3,38%
Wine of fresh grapes, including fortified wines	R3,52	10,17%	-5,44%
Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen	R1,63bn	4,72%	5,57%
Apples, pears and quinces, fresh	R1,43bn	4,13%	-6,10%
Other fruit, fresh	R1,37bn	3,95%	11,88%
Parts suitable for use solely or principally with the engines of heading 84.07 or 84.08	R1,32bn	3,82%	31,17%
Fish, frozen, excluding fish fillets	R1,24bn	3,58%	5,86%
Petroleum oils and oils obtained from bituminous minerals, crude	R1,05bn	3,03%	4,241,869.58%
Apricots, cherries, peaches (including nectarines), plums and sloes, fresh	R1,04bn	3,00%	0,05%

Source: Quantec (2022)

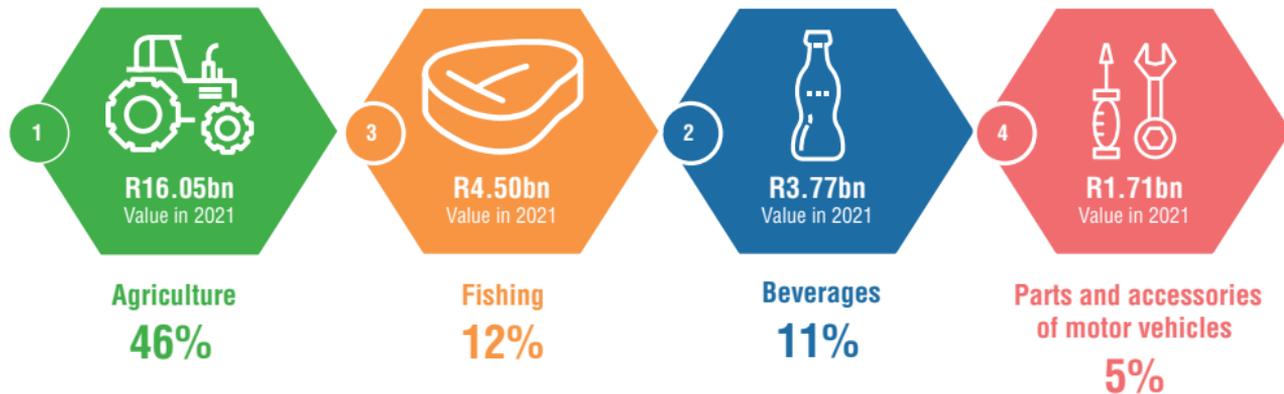
Top 10 Western Cape imports from the European Union

	Value in 2021	Share in 2021	Average growth rate (2017-2021)
Petroleum oils and oils obtained from bituminous minerals, other than crude	R12,25bn	26,39%	45,90
Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.	R0,81bn	1,75%	-9,83
Wheat and meslin	R0,79bn	1,71%	36,05
Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages	R0,67bn	1,45%	13,26
Preparations of a kind used in animal feeding	R0,67bn	1,44%	14,21
Soya-bean oil and its fractions, whether or not refined, but not chemically modified	R0,59bn	1,28%	815,27
Flat-rolled products of stainless steel, of a width of 600 mm or more	R0,46bn	0,99%	29,18
Articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastics	R0,45bn	0,97%	11,96
Dish washing machines; machinery for cleaning or drying bottles or other containers	R0,44bn	0,96%	-3,02
Refrigerators, freezers and other refrigerating or freezing equipment, electric or other	R0,44bn	0,95%	2,31

Source: Quantec (2022)

The figure below shows the Western Cape's top 4 exports to the EU in 2021 based on Standard Industrial Classification (SIC) codes. The province's exports to the EU are dominated by agricultural products.

Top 4 Western Cape exports to the European Union, by industry (2021)



Source: Quantec (2022)

The top products exported by the Western Cape to the top 5 markets in EU (2021)



Netherlands

Fresh or dried grapes

R4.38bn



Germany

Parts suitable for use solely or principally with the engines of heading 84.07 or 84.08

R1.32bn



Spain

Petroleum oils and oils obtained from bituminous minerals (crude)

R1.05bn



Italy

Fish fillets and other fish meat

R0.59bn



Belgium

Flat-rolled products of iron or non-alloy steel

R0.86bn

Top 10 markets in EU for the Western Cape's exports (2021)

	Value in 2021	Share in 2021	Average growth rate (2017-2021)
Netherlands	R14,39 bn	41,58%	13,42%
Germany	R5,18bn	14,98%	-0,44%
Spain	R3,50bn	10,1%	20,20%
Italy	R2,73bn	7,88%	6,49%
Belgium	R2,61bn	7,55%	10,26%
France	R1,76bn	5,07%	0,84%
Portugal	R1,09bn	3,14%	6,62%
Denmark	R0,69bn	1,99%	-4,30%
Sweden	R0,66bn	1,91%	-1,66%
Ireland	R0,63bn	1,81%	15,56%

Source: Quantec (2022)

The top products imported by the Western Cape from the top 5 markets in EU (2021)



Italy

Petroleum oils and oils obtained from bituminous minerals (non-crude)
(R6.06bn)



Germany

Self-adhesive plates, sheets, film, foil, tape, strip and other flat shapes, of plastics.
(ZAR0.61bn)



Netherlands

Petroleum oils and oils obtained from bituminous minerals (non-crude)
(ZAR3.58bn)



Belgium

Petroleum oils and oils obtained from bituminous minerals (non-crude)
(ZAR2.21bn)



Netherlands

Meat and edible offal, of the poultry of heading 01.05
(R1.18bn)

Top 10 markets in EU for imports by the Western Cape (2021)

	Value in 2021	Share in 2021	Average growth rate (2017-2021)
Italy	11.05	23.80%	26.18%
Germany	7.07	15.24%	-1.50%
Netherlands	6.92	14.92%	17.07%
Belgium	5.07	10.92%	26.00%
Spain	4.40	9.48%	21.47%
France	2.78	5.98%	-1.15%
Austria	1.27	2.74%	3.78%
Poland	1.01	2.17%	12.75%
Finland	0.90	1.94%	10.81%
Ireland	0.89	1.91%	7.11%

Source: Quantec (2022)

Western Cape's exports to the European Union, 2017-2021²



² 2021 data for the EU excludes the UK

Source: Quantec (2022)

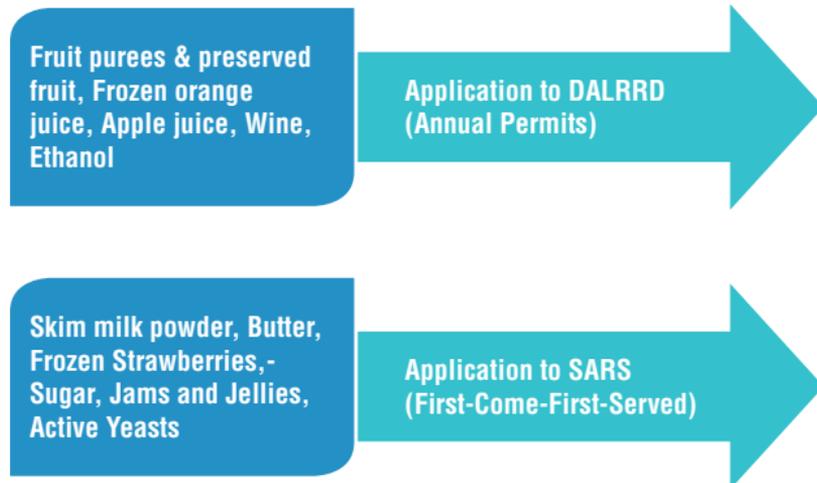
Exporting under the SADC-EU EPA

In order to qualify for duty free access to the EU market under the SADC-EU EPA, an exporter needs to be registered correctly with the South African Revenue Service (SARS). This information is easily accessible on the SARS website under **Exporter information** and **Form to complete to apply for Exporter registration under Preferential Trade Agreements**. There is also an option to apply for Approved Exporter status under the SADC-EU EPA.

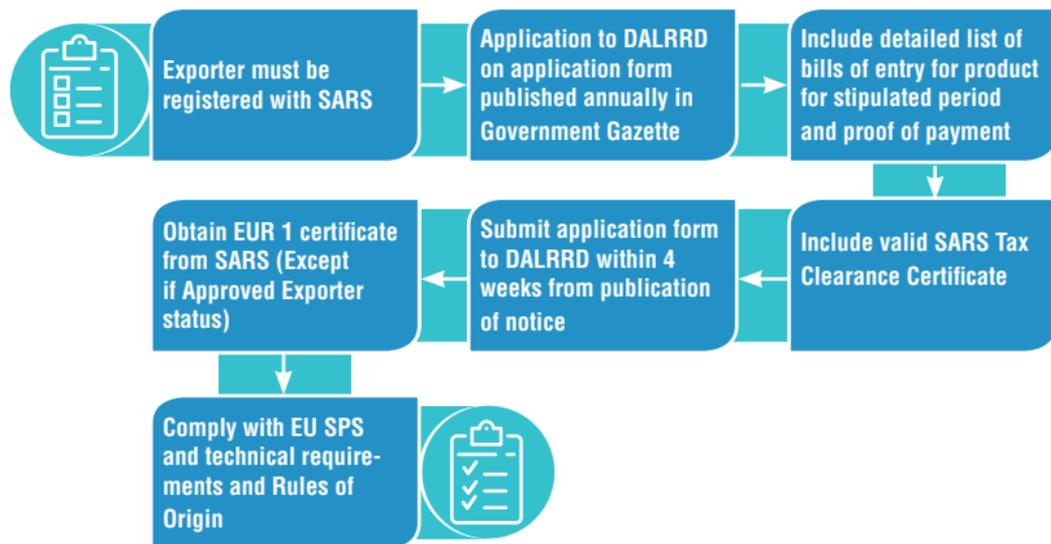
Application for Export Quotas under EPA TRQs

To benefit from preferential access under the EPA TRQs, exporters need to apply for quota allocation. Certain products require application to the Department of Agriculture, Land Reforms and Rural Development (DALRRD). Other products only need an application to SARS for a EUR1 certificate, and are allocated on a first-come-first-served basis.

Quota allocation by DALRRD is based on their preferential market access allocation system. Permits are valid 1 January – 31 December.

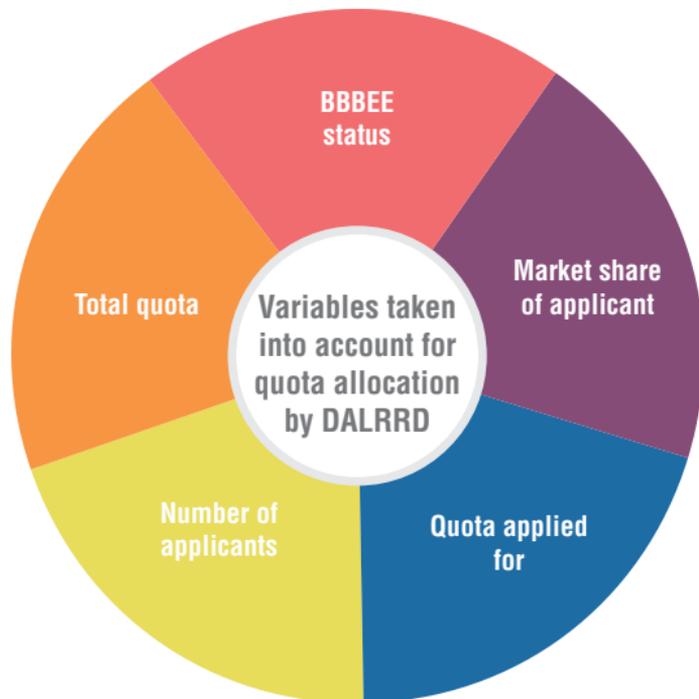


Application to DALRRD for TRQ Annual Export Permit

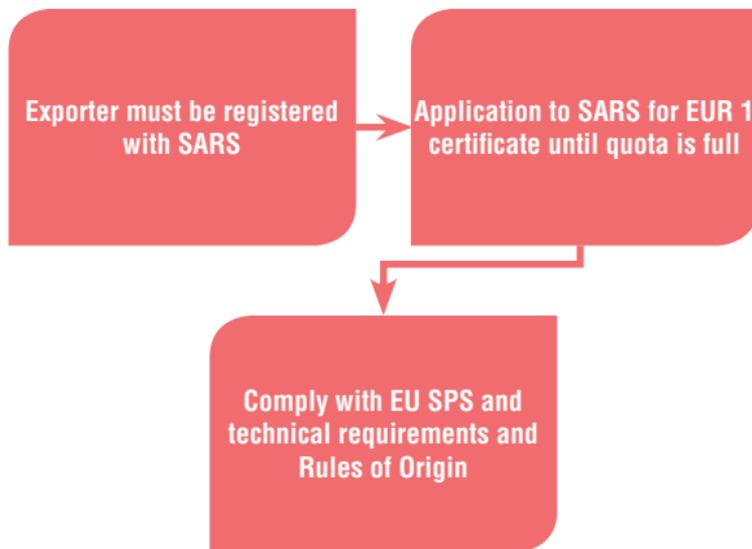


EUR 1 Certification: the certification that enables importers to import products at a reduced or nil rate of import duty in terms of the SADC-EU EPA

Quotas for TRQ products that require annual permits are allocated by DALRRD based upon their preferential market access allocation system.



Application to SARS for TRQs granted on first-come-first-served basis



The EPA makes provision for customs authorities to issue “Approved Exporter status” upon application through SARS, which allows for paperless exports and self-declaration.

Geographical Indications

Protocol 3 between EU and South Africa.

“Geographical Indications”(GI) = a sign used on products that have a specific geographic origin and possess qualities, characteristics or a reputation that are due to that origin.” Example: Champagne.

The EPA protects 251 GIs from the EU and 105 GIs from South Africa.

SA GIs include 102 wine and 3 non-wine GIs. SA has the right to add up to 30 more GIs..

SA GIs

- Rooibos tea
- Honey bush tea
- Karoo Meat of Origin
- 102 wine production areas

EU GIs

- Cheeses, olive oils, meats
- Beers
- Wines
- Spirits

Opportunities: GI status promotes differentiation and increases recognition and awareness of product and allows producers to obtain premium prices.

Regulations for the protection and designation of geographical indications of agricultural products were developed under the Agricultural Product Standards Act, and were promulgated in 2019. Prior to this, agricultural GI's were protected under various pieces of legislation, e.g. Merchandise Marks Act and Trade Marks Act.



SADC-EU EPA export quota utilisation, 2021

Description	Quota	Utilised	Balance	%utilised
Skimmed milk powder	500 t		500 t	0.0%
Butter	500 t		500 t	0.0%
Strawberries	415 t		415 t	0.0%
Refined or cane sugar for refining	50,000 t	48,296 t	1,704 t	96.6%
Cane sugar for refining	100,000 t	98,493 t	1,507 t	98.5%
White crystalline powder	500 t		500 t	0.0%
Citrus jam	100 t		100 t	0.0%
Canned fruit, except tropical canned fruit	57,156 t	17,783 t	39,373 t	31.1%
Tropical canned fruit	3,260 t		3,260 t	0.0%
Frozen orange juice	1,141 t	1,141 t	0 t	100.0%
Apple juice	4,063 t	84 t	3,979 t	2.1%
Active yeast	350 t	10 t	340 t	2.9%
Bottled wine	81 t	31 t	50 t	38.3%
Bulk wine	35 t	34 t	1 t	97.1%
Ethanol	80,000 t	32,564 t	47,436 t	40.7%

Note: Both bottled and bulk wine TRQ quantities in million litres

Source: EC Taric website [http://ec.europa.eu/taxation_customs] (2022)



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ACP	Africa, Caribbean and Pacific
BBBEE	Broad-based black economic empowerment
BLNS	Botswana, Lesotho, Namibia, Swaziland
DAFF	Department of Agriculture, Forestry and Fisheries
EPA	Economic Partnership Agreement
MFN	Most Favoured Nation
RoO	Rules of Origin
SADC	Southern African Development Community
SACU	Southern African Customs Union
SARS	South African Revenue Service
TDCA	South Africa -European Union
TRQ	Tariff Rate Quota

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