AGREEMENT
AMENDING ARTICLE 3
OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
PROTOCOL ON TRADE
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AGREEMENT AMENDING ARTICLE 3(1)(C) OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PROTOCOL ON TRADE

PREAMBLE

We the Heads of State or Government of:

The Republic of Angola
The Republic of Botswana
The Democratic Republic of Congo
The Kingdom of Lesotho
The Republic of Madagascar
The Republic of Malawi
The Republic of Mauritius
The Republic of Mozambique
The Republic of Namibia
The Republic of Seychelles
The Republic of South Africa
The Kingdom of Swaziland
The United Republic of Tanzania
The Republic of Zambia
The Republic of Zimbabwe

HAVING REGARD to the provisions of Article 22 of the SADC Treaty on amendment of Protocols and Article 34 of the SADC Protocol on Trade;
NOTING that the Protocol on Trade (hereinafter referred to as the Protocol) entered into force on 25 January, 2000;

FURTHER NOTING the provisions of Article 3 of the Protocol which aims at the elimination of barriers to intra-SADC trade;

AND RECOGNISING that Member States may be adversely affected by the removal of tariffs so as to require additional time for their elimination but that making provision for granting additional time for the removal of non-tariff barriers seriously undermines the provision of Article 6 of the Protocol on Trade, which requires Member States to adopt policies and implement measures to eliminate all existing forms of Non-Tariff Barriers (NTBs) and refrain from imposing any new ones;

REALIZING that the Protocol has to be amended to remove the reference to Non-Tariff Barriers (NTBs) in Article 3 and to provide for the criteria for consideration of applications for a grace period by State Parties that are adversely affected by the removal of tariffs and require additional time for their elimination;

HEREBY AGREE as follows:

Article 1
DEFINITIONS

In this Agreement, the terms and expressions defined in Article 1 of the Trade Protocol shall bear the same meaning unless the context otherwise requires.

Article 2
AMENDMENT OF ARTICLE 3(1)(c) OF THE PROTOCOL

Paragraph 1 (c) of Article 3 of the Trade Protocol is amended to read as follows:

"(c) That Member States which consider that they may be, or have been adversely affected by removal of tariffs to trade may, upon application to CMT, be granted a grace period to afford them additional time for the elimination of tariffs. The Criteria for the consideration of such applications is provided for in Annex X (Concerning Criteria for consideration of Applications under Article (3) (c)) of this Protocol."
Article 3

ENTRY INTO FORCE

This Agreement shall enter into force on the date of its adoption by three-quarters of the Member States that are Parties to the Protocol.

Article 4

DEPOSITARY

1. The original texts of this Agreement shall be deposited with the Executive Secretary of SADC, who shall transmit copies to all Member States.

2. The Executive Secretary shall register this Agreement with the Secretariat of the United Nations Organisation and the African Union and such other organisations as Council may determine.
Done at the Kingdom of Swaziland, this 31st day of August, 2016, in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.

Republic of Angola

Republic of Botswana

Democratic Republic of Congo

Kingdom of Lesotho

Republic of Madagascar

Republic of Malawi

Republic of Mauritius

Republic of Mozambique

Republic of Namibia

Republic of Seychelles

Republic of South Africa

Kingdom of Swaziland

United Republic of Tanzania

Republic of Zambia

Republic of Zimbabwe