

**AGREEMENT**  
**AMENDING ARTICLE 3**  
**OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY**  
**PROTOCOL ON TRADE**

## **TABLE OF CONTENTS**

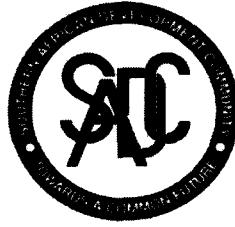
**PREAMBLE**

**Article 1            DEFINITIONS**

**Article 2            AMENDMENT OF ARTICLE 3**

**Article 3            ENTRY INTO FORCE**

**Article 4            DEPOSITARY**



**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**

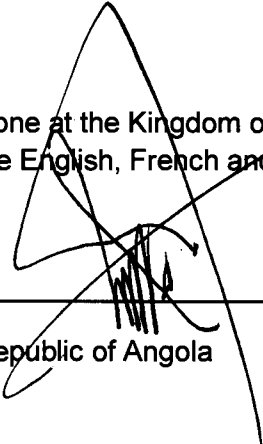
This Agreement shall enter into force on the date of its adoption by three-quarters of the Member States that are Parties to the Protocol.

### **Article 4**

#### **DEPOSITARY**

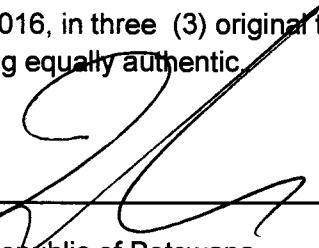
1. The original texts of this Agreement shall be deposited with the Executive Secretary of SADC, who shall transmit copies to all Member States.
2. The Executive Secretary shall register this Agreement with the Secretariat of the United Nations Organisation and the African Union and such other organisations as Council may determine.

Done at the Kingdom of Swaziland, this 31<sup>st</sup> day of August, 2016, in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.



---

Republic of Angola

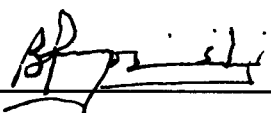


---

Republic of Botswana

---

Democratic Republic of Congo



---


Kingdom of Lesotho

---

Republic of Madagascar

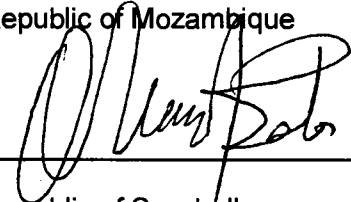
---

Republic of Malawi



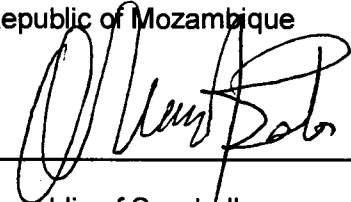
---

Republic of Mauritius



---

Republic of Mozambique



---

Republic of Seychelles

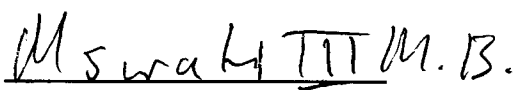
---

Republic of Namibia



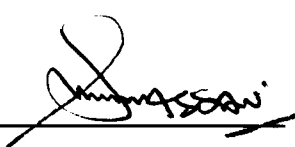
---

Republic of South Africa



---

Kingdom of Swaziland




---

United Republic of Tanzania

---

Republic of Zambia



---

Republic of Zimbabwe