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Contents

I Acts whose publication is obligatory

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II Acts whose publication is not obligatory

Council

2006/981/EC:

- ★ **Decision No 1/2006 of the EU-South Africa Cooperation Council of 12 December 2006 on the amendment of Annex II and Annex III to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part (TDCA), to phase out and eliminate the duties on some automotive products**

1

II

(Acts whose publication is not obligatory)

COUNCIL**Decision No 1/2006****of the EU-South Africa Cooperation Council****of 12 December 2006**

**on the amendment of Annex II and Annex III to the Agreement on Trade,
Development and Cooperation between the European Community
and its Member States, of the one part, and
the Republic of South Africa, of the other part (TDCA),
to phase out and eliminate the duties
on some automotive products**

(2006/981/EC)

THE EU-SOUTH AFRICA COOPERATION COUNCIL,

Having regard to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part¹, signed in Pretoria on 11 October 1999 and in particular Article 106(1) thereof,
Whereas:

- (1) In order to ensure clarity, long term economic predictability and legal certainty for economic operators, the parties have agreed to consolidate into the TDCA the remaining tariff preferences granted to South Africa on automotive products, by the Community

¹ OJ L 311, 4.12.1999, p. 3. Agreement as last amended by the Additional Protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (OJ L 68, 15.3.2005, p. 33).

scheme of generalised tariff preferences (GSP) and not yet provided for by the Community tariff concessions listed in Annex II, List 4 to the TDCA.

- (2) The parties have also agreed to consolidate into the TDCA the commitments undertaken by South Africa to improve market access on automotive products originating in the Community and not yet provided for in Annex III to the TDCA.
- (3) Article 106(1) of the TDCA empowers the Cooperation Council to amend the TDCA in order to accelerate the reduction of customs duties more rapidly than is provided for in Articles 11, or otherwise improve the conditions of access under this Article.
- (4) This Decision should supersede the terms laid down in Article 11 for the products concerned.
- (5) It is desirable to ensure smooth transition from the GSP to the preferential bilateral trade regime established by the TDCA by allowing GSP proofs of origin (certificate of origin Form A or invoice declaration) to be submitted for a certain period of time,

HAS DECIDED AS FOLLOWS:

Article 1

Annex II and Annex III to the TDCA are hereby amended in accordance with the provisions set out in the Annex to this Decision.

Article 2

This Decision supersedes the terms laid down in Article 11 of the TDCA with respect to imports into the Community of the products concerned.

Article 3

Proofs of origin issued in South Africa in the framework of the Community scheme of generalised tariff preferences (GSP) shall be accepted in the European Community as valid proofs of origin under the preferential bilateral trade regime established by the TDCA, provided that:

- (i) the proof of origin is submitted within ten months of the date of entry into force of this Decision;
- (ii) the proof of origin and the transport documents were issued no later than the day before the date of entry into force of this Decision; and
- (iii) the proof of origin is presented at import into the European Community for the benefit of tariff preferences previously granted under the GSP which are consolidated by this Decision.

Article 4

This Decision shall enter into force on the day of its adoption.

It shall apply from 15 December 2006.

Done at Brussels, 12 December 2006.

*For the Cooperation Council
The Co-Presidents*

E. TUOMIOJA

Z. S. T. SKWEYIYA

I. European Community

Improved market access on automotive products originating in South Africa

1. Improvements to Annex II, List 4

- (a) Motor cars: the preferential tariff rate to be applied to the products listed below and originating in South Africa would be based on the following phase-down schedule:

(i) 15 December 2006: 3,5 %

(ii) 1 January 2007: 1,5 %

(iii) 1 January 2008: 0 %.

HS 96

HS 06

8703 10 10

8703 10 11

8703 10 90

8703 10 18

8703 21 10

8703 21 10

8703 21 90

8703 21 90

HS 96	HS 06
8703 22 11	8703 22 10
8703 22 19	
8703 22 90	8703 22 90
8703 23 11	8703 23 11
8703 23 19	8703 23 19
8703 23 90	8703 23 90
8703 24 10	8703 24 10
8703 24 90	8703 24 90
8703 31 10	8703 31 10
8703 31 90	8703 31 90
8703 32 11	8703 32 11
8703 32 19	8703 32 19
8703 32 90	8703 32 90
8703 33 11	8703 33 11
8703 33 19	8703 33 19
8703 33 90	8703 33 90
8703 90 10	8703 90 10
8703 90 90	8703 90 90

- (b) Elimination with effect from 15 December 2006 of the duties on all the other products contained in Annex II, List 4, as listed below:

Chassis fitted with engines

HS 96	HS 06
8706 00 11	8706 00 11
8706 00 19	8706 00 19
8706 00 91	8706 00 91
8706 00 99	8706 00 99

Bodies (including cabs), for the motor vehicles

HS 96	HS 06
8707 10 10	8707 10 10
8707 10 90	8707 10 90
8707 90 10	8707 90 10
8707 90 90	8707 90 90

Parts and accessories of the motor vehicles

HS 96

HS 06

8708 10 10

8708 10 10

8708 10 90

8708 10 90

8708 21 10

8708 21 10

8708 21 90

8708 21 90

8708 29 10

8708 29 10

8708 29 90

8708 29 90

8708 31 10

8708 31 10

8708 31 91

8708 31 91

8708 31 99

8708 31 99

8708 39 10

8708 39 10

8708 39 90

8708 39 90

8708 40 10

8708 40 10

8708 40 90

8708 40 90

8708 50 10

8708 50 10

8708 50 90

8708 50 90

8708 60 10

8708 60 10

8708 60 91

8708 60 91

8708 60 99

8708 60 99

HS 96	HS 06
8708 70 10	8708 70 10
8708 70 50	8708 70 50
8708 70 91	8708 70 91
8708 70 99	8708 70 99
8708 80 10	8708 80 10
8708 80 90	8708 80 90
8708 91 10	8708 91 10
8708 91 90	8708 91 90
8708 92 10	8708 92 10
8708 92 90	8708 92 90
8708 93 10	8708 93 10
8708 93 90	8708 93 90
8708 94 10	8708 94 10
8708 94 90	8708 94 90
8708 99 10	8708 99 11
	8708 99 19
8708 99 30	8708 99 30
8708 99 50	8708 99 50
8708 99 92	8708 99 92
8708 99 98	8708 99 98

2. Transposition of the GSP into the TDCA, at a date to be agreed upon, with regard to HS codes other than those mentioned in paragraph 1, where the current treatment of South African exports is more favourable under GSP than under the TDCA.

II. South Africa

Improved market access on automotive products originating in the European Community

(to be read with Appendix 1 attached to this Annex)

1. Improvements to Annex III, List 5

(a) Tariff lines to be moved to Annex III, List 1, as from 15 December 2006:

HS 96	HS 06
4013.10.00	4013.10.00
8538.10.20	8538.10.00

(b) Tariff lines to be moved to Annex III, List 3, as from 15 December 2006:

HS 96	HS 06
8708.40.50	8708.99.70
8708.50.40	8708.50.40
8708.60.40	8708.60.40

- (c) Tariff lines currently under motors partial 1 to be given an additional cumulative yearly preference of 1 percentage point to be introduced on 15 December 2006 and 1 January 2007. This will be achieved via the creation of a new category: "motors partial 3".

HS 96	HS 06
8704.21.80	8704.21.80
8704.31.80	8704.31.80
8704.90.80	8704.90.80

- (d) Tariff lines currently under motors partial 1 to be granted an additional cumulative yearly preference of 1 percentage point to be introduced on 15 December 2006, 1 January 2007 and 1 January 2008. This will be achieved via the creation of a new category: "motors partial 4".

HS 96	HS 06
8701.20.20	8701.20.20
8704.21.90	8704.21.90
8704.22.90	8704.22.90
8704.23.90	8704.23.90
8704.31.90	8704.31.90
8704.32.90	8704.32.90
8704.90.90	8704.90.90

2. Improvements to Annex III, List 6

(a) Tariff lines to be moved to Annex III, List 1, as from 15 December 2006:

HS 96	HS 06
6813.90.10	6813.90.00
8407.33.00	8407.33.00
8407.34.90	8407.34.00
8408.10.90	8408.10.00
8409.91.90	8409.91.90
8409.99.38	8409.99.30
8483.10.35	8483.10.00
8483.50.90	8483.50.00
8483.90.20	8483.90.00
8512.90.00	8512.90.00
8708.39.30	8708.39.30
8708.39.45	8708.39.45
9026.20.80	9026.20.00

(b) Tariff line to be moved to Annex III, List 3, as from 15 December 2006:

HS 96	HS 06
8532.10.90	8532.10.90

(c) Tariff line to be moved to Annex III, List 4, as from 15 December 2006:

HS 96	HS 06
8708.99.20	8708.99.20

(d) Tariff lines to be given a non-cumulative cut of 5 percentage points as from 15 December 2006. This will be done by moving them to Annex III, List 5, "motors partial 2":

HS 96	HS 06
6813.10.20	6813.10.20
8302.10.00	8302.10.00
8302.30.90	8302.30.90
8409.91.27	8409.91.27
8409.99.27	8409.99.30
8701.20.10	8701.20.10
8708.29.00	8708.29.00
8708.39.20	8708.39.20

HS 96

HS 06

8708.39.40

8708.39.40

8708.39.90

8708.39.90

8708.40.90

8708.40.90

8708.50.15

8708.99.80

8708.50.50

8708.50.50

8708.50.90

8708.50.90

8708.60.15

8708.60.15

8708.60.90

8708.60.90

8708.70.90

8708.70.90

8708.91.10

8708.91.00

8708.91.90

8708.91.00

8708.92.90

8708.92.90

8708.93.25

8708.93.25

8708.93.55

8708.93.55

8708.93.90

8708.93.90

8708.94.20

8708.94.20

8708.94.90

8708.94.90

8708.99.30

8708.99.30

8708.99.50

9401.20.00

9401.20.00

- (e) Tariff line to be given a non-cumulative cut of 15 percentage points. This will be done by moving it to Annex III, List 5, and creating an additional category: "motors partial 5" as from 15 December 2006:

HS 96	HS 06
8708.31.20	8708.31.20

- (f) Tariff lines to be given a cumulative yearly preference, to be introduced on 15 December 2006, 1 January 2007, 1 January 2008, 1 January 2009 and 1 January 2010. This will be achieved via the creation of a new category: "motors partial 6".

HS 96	HS 06
8703.22.90	8703.22.90
8703.23.90	8703.23.90
8703.24.90	8703.24.90
8703.31.90	8703.31.90
8703.32.90	8703.32.90
8703.33.90	8703.33.90
8706.00.10	8706.00.10

In accordance with the above, it is understood that if the MFN duties on these products originating in the European Community were to be applied below 25 %, the matter will be revised.

- (g) Tariff line to be moved to Annex III, List 5, motors partial 4 from 15 December 2006:

HS 96	HS 06
8706.00.20	8706.00.20

Appendix 1

Addendum to notes to Annex III - List 5													
	Year 1 (2000)	Year 2 (2001)	Year 3 (2002)	Year 4 (2003)	Year 5 (2004)	Year 6 (2005)	Year 7 (2006)	Year 8 (2007)	Year 9 (2008)	Year 10 (2009)	Year 11 (2010)	Year 12 (2011)	Year 13 (2012)
Motors partial 3							26	23	22	21	20	19	18
Motors partial 4							14	13	12				
Motors partial 5							15						
Motors partial 6							30	26	24	22	20	19	18