

EN

EN

EN



EUROPEAN COMMISSION

Brussels, 23.2.2010
COM(2010)57 final

2010/0038 (NLE)

Proposal for a

COUNCIL DECISION

on a EU position within the EC-South Africa Cooperation Council on the amendment of the relevant provisions and Annexes to the Trade, Development and Cooperation Agreement (TDCA) between the European Community and its Member States, on the one part, and the Republic of South Africa, on the other part, to align certain tariffs with those applied to the EU products by Botswana, Lesotho and Swaziland in the Annex 3 of the EU-SADC interim Economic Partnership Agreement

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Grounds for and objectives of the proposal

Article 106(1) of 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') empowers the Cooperation Council established by the same Agreement to decide on amendments put forward by any Party to the Agreement. According to Article 97(3) of the TDCA, the Cooperation Council has the power to take decisions in respect of all matters covered by the TDCA.

Brief description of the issue

South Africa is a member of the Southern Africa Customs Union (SACU) together with Botswana, Lesotho, Namibia and Swaziland (the so-called 'BLNS' group). The EU and South Africa concluded a bilateral agreement, the TDCA (Trade, Development and Cooperation Agreement) which entered into force in 2000. During negotiations with the SADC EPA (Economic Partnership Agreement) group, including South Africa, the BLNS stated clearly their desire to align themselves to the existing TDCA provisions with South Africa provided that certain sensitivities could be accommodated by the EU. These sensitivities were identified with 53 tariff lines for which, in most cases, the BLNS side requested a dismantling at a slower pace than that foreseen in the TDCA. This is commonly referred to as 'retrofitting'.

It should be noted that the previous SACU Agreement, which was in force during the conclusion of the TDCA did not oblige South Africa to formally consult and associate with all the other SACU members. This was then corrected in 2002 when a new binding consultation clause (Art. 31) was included into the new SACU Agreement.

The Commission accepted this request and it was introduced in the tariff dismantling scheme (Annex 3) of the interim EPA negotiated with the SADC EPA group. It was agreed that for these 53 tariff lines the existing TDCA dismantling scheme would mainly be frozen until 2011 and fully liberalised by 2015, as compared to the dismantling scheme included in the TDCA. For four of these 53 tariff lines duties will be frozen at 2007 TDCA tariff rates and for the time being there will be no further liberalisation.

The interim EPA was initialled in December 2007 by the BLNS. Unfortunately South Africa, although it had participated in the negotiations, did not initial the interim EPA in the end. Therefore tariff discrepancies still remain between the interim EPA and the TDCA regarding these 53 tariff lines.

Following the signature of the interim SADC EPA by Botswana, Lesotho and Swaziland in June 2009, South Africa complained that the implementation of this agreement would disrupt the SACU common external tariff (CET) because the tariff treatment for these 53 tariff lines on EU imports would be different from the commitments negotiated in the interim EPA and those in the TDCA. According to South Africa, the implementation of the interim EPA would therefore create an obstacle to the free circulation within SACU of EU products subject to different tariff schedules in different members of the customs union.

In order to address these problems and to support regional integration, in December 2008, representatives of the European Commission proposed tariff alignment whereby the EU would agree to extend to South Africa (via the TDCA) the tariff treatment for the 53 tariff lines negotiated with the BLNS in the interim EPA for these tariff lines, so that the same timetable for dismantlement would apply across all SACU members. This 'alignment' would help to ensure that the TDCA and the interim EPA are fully compatible with the concept of a common external tariff for all members of SACU and support their regional integration.

The tariff alignment proposal was endorsed by the representatives of the Parties during a Senior Officials meeting that took place in Swakopmund (Namibia) in March 2009. It was considered that this alignment would be necessary to consolidate SACU tariff coherence, and help the interim EPA signatories to implement their commitments included in Annex 3 of the interim EPA.

It is important to underline that this tariff alignment is not proposing a new strategy, and is fully in line with previous actions undertaken in the context of SADC EPA negotiations. Following the non-signature of the interim SADC EPA by South Africa, this alignment is a technical way of implementing an arrangement that was foreseen with all SACU members (including South Africa and Angola, which in the event did not initial the agreement) in 2007, in two different agreements: the interim EPA and the TDCA. In fact, in order to preserve the SACU Common External Tariff (CET), the idea of aligning the TDCA market access granted to the EU with the one in the interim SADC Economic Partnership Agreement has been discussed in the SADC EPA group.

This helps the integration of SACU members and thus demonstrates clearly the EU commitment to SACU integration. It does not pre-empt possible future negotiations with South Africa in the framework of ongoing negotiations for a comprehensive SADC EPA.

The list of tariff lines (53), on which these adjustments should apply as well as the description of the new tariff treatment is provided in the attached Excel sheet, which reflects the tariff lines to be included in Annex 1 and Annex 2 of the Decision of the EU-South Africa Cooperation Council.

Existing provisions in the area of the proposal

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')¹.

Consistency with the other policies and objectives of the Union

If adopted, this proposal will help to finalise the EC-SADC EPA Negotiations, with the entire SADC EPA Group, which is in the interests of the European Union.

¹ OJ L 311, 4.12.1999, p. 3.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

Consultation of interested parties

In 2008, several rounds of EPA talks between the EU and SADC EPA Group (including South Africa) took place at Senior Officials level in order to find a mutually satisfactory solution that would allow South Africa to eventually join a comprehensive SADC EPA.

Since South Africa is not part of the Interim SADC EPA, the alignment of customs duties of the 53 tariff lines that were not identical under the interim SADC EPA and the EU-South Africa Trade and Development Cooperation Agreement was considered necessary in order to preserve SACU external tariffs.

This matter was discussed with SADC EPA side on several occasions, in 2008 as well as at Ministerial level in February 2009 and subsequently at Senior Officials' level in March 2009, in order to allow the signature of the Interim SADC EPA Agreement to move forward. This proposal would pave the way for the continuation of market access discussions in the full SADC EPA context, to include South Africa.

Collection and use of expertise

There was no need for external expertise.

Impact assessment

Not applicable.

3. LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

The proposed Council Decision is structured as follows:

1. The aim of this Council Decision is to align the relevant tariff schedules of 53 tariff lines applied by South Africa for imports from the EU as set out in the TDCA to EC products to those applied to the same EU products by Botswana, Lesotho, and Swaziland in accordance with Annex 3 of the interim Economic Partnership Agreement with a view to preserving the uniformity of the Southern African Customs Union external tariff, to which those three countries belong, in respect of their imports from the EU.
2. This proposal is based on the conclusions endorsed by the representatives, in March 2009 in Swakopmund, Namibia.

Legal basis

Articles 207(4) first subparagraph and 218(9) of the Treaty on the Functioning of the European Union and 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 part² (hereinafter referred to as the 'TDCA'), signed in Pretoria on 11 October 1999 and entered into force on 1 May 2004

Subsidiarity principle

The proposal falls under the exclusive competence of the Community. The subsidiarity principle therefore does not apply.

Proportionality principle

The proposal complies with the proportionality principle for the following reason(s).

The proposed form of action (Council Decision) is as simple as possible in the context of the TDCA. Any alternative means would require the renegotiations of the entire Agreement.

Choice of instruments

Proposed instruments: Council Decision.

Other means would not be adequate for the following reason(s).

Amending the TDCA is the best way to preserve SACU tariff coherence and the fastest way to resume EU-SADC full EPA talks with the entire SADC EPA region.

4. BUDGETARY IMPLICATIONS

The proposal will have no financial implications. The reason is that this tariff alignment is a modification of the South African tariff schedule included in the TDCA and not the modification of the EU tariff schedule. Thus, the tariff alignment as proposed in this Decision, will have no consequences on the EU budget.

² OJ L 311, 4.12.1999, p. 3.

Proposal for a

COUNCIL DECISION

on a EU position within the EC-South Africa Cooperation Council on the amendment of the relevant provisions and Annexes to the Trade, Development and Cooperation Agreement (TDCA) between the European Community and its Member States, on the one part, and the Republic of South Africa, on the other part, to align certain tariffs with those applied to the EU products by Botswana, Lesotho and Swaziland in the Annex 3 of the EU-SADC interim Economic Partnership Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular its Article 207(4) first subparagraph, in conjunction with Article 218(9), thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) 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 part³ (hereinafter the 'Agreement') has been approved on behalf of the Community by Decision 2004/441/EC of the Council of 26 April 2004⁴.
- (2) Article 97(3) of the Agreement provides that the Cooperation Council shall have the power to take decisions in respect of all matters covered by the Agreement. Article 106(1) of the Agreement gives the Cooperation Council the power to decide on amendments put forward by any Party desirous of amending the Agreement.
- (3) Article 3 of Decision 2004/441/EC recalls that the position to be taken by the Community within the Cooperation Council shall be laid down by the Council on a proposal from the Commission, in accordance with the corresponding provisions of the Treaty. Furthermore, Article 10 of Decision 1/2001 of the Cooperation Council (2001/631/EC⁵), adopting its rules of Procedure, authorises the Cooperation Council, to adopt decisions by means of a written procedure.
- (4) Botswana, Lesotho and Swaziland are members of the Southern Africa Customs Union (SACU), together with South Africa and Namibia;
- (5) An interim Economic Partnership Agreement (EPA) was signed with Botswana, Lesotho and Swaziland on 4 June. It should be provisionally applied by each side as

³ OJ L 311, 4.12.1999, p. 3.

⁴ OJ L 127, 29.4.2004, p. 109.

⁵ OJ L 221, 17.8.2001, p. 37.

soon as such provisional application is notified to the depositary, as provided for in Art. 105 of the Interim EPA.

- (6) Customs duties applicable to products imported from the European Union into Botswana, Lesotho and Swaziland under the interim EPA and respectively under the EU-South Africa Trade and Development Cooperation Agreement are identical, except for a list of products falling within the 53 tariff lines;
- (7) In order to ensure clarity, long term economic predictability and legal certainty for economic operators, facilitating the smooth free circulation of products within SACU, and preserving SACU tariff coherence, it is considered appropriate to consolidate into the Trade, Development and Cooperation Agreement with the Republic of South Africa, (TDCA)⁶, the same level of tariffs negotiated between the EU and Botswana, Lesotho, Namibia and Swaziland in Annex 3 to the interim Economic Partnership Agreement, for 53 tariff lines.
- (8) The TDCA tariff dismantling schedules of South Africa provided for in Article 12 and in Annex III, Lists 3, 4 and 5 (industrial products) and in Article 15 and in Annex VI, Lists 1, 2 and 3 (agricultural and processed agricultural products) should be amended with regards to 23 agricultural, 11 processed agricultural and 22 industrial tariff lines for which a new schedule for elimination of customs duties will apply as described in the draft Decision of the EC-South Africa Cooperation Council annexed to the present Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted by the European Union within the EC-South Africa Cooperation Council, on the amendment of the relevant provisions and Annexes to the Trade, Development and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, shall be based on the draft Decision of the Cooperation Council annexed to this Decision.

Article 2

2. The representative of the European Union in the Cooperation Council is authorised to sign the Decision of the Cooperation Council in the name of the European Union.

⁶ OJ L 311, 4.12.1999, p. 2.

Article 3

3. The Decision of the Cooperation Council shall be published in the *Official Journal of the European Union* as soon as it has been adopted.

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

DRAFT DECISION N° .../2009

OF THE EC-SOUTH AFRICA COOPERATION COUNCIL

on the amendment of the relevant provisions and Annexes to the Trade, Development and Cooperation Agreement (TDCA) between the European Community and its Member States, on the one part, and the Republic of South Africa, on the other part, in order to align certain tariffs with those applied to the EU products by Botswana, Lesotho and Swaziland in the Annex 3 of the EU-SADC interim Economic Partnership Agreement

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 part⁷ (hereinafter referred to as the 'TDCA'), signed in Pretoria on 11 October 1999 and entered into force on 1 May 2004, and in particular Articles 97(3) and 106 (1) thereof;

Having regard to Decision N° 1/2001 of the Cooperation Council between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, of 26 June 2001 adopting the Rules of Procedure of the Cooperation Council⁸, and in particular Article 10 thereof,

Whereas:

- (1) In order to ensure clarity, long term economic predictability and legal certainty for economic operators, and preserve SACU tariff coherence, the parties have agreed to consolidate into the TDCA the tariff preferences of 53 tariff lines, negotiated between the EU and Botswana, Lesotho and Swaziland in the Annex 3 of the interim Economic Partnership Agreement signed by both sides in June 2009.
- (2) The TDCA tariff dismantling schedules provided for in Articles 12 and 15 and in Annex III and Annex VI should be amended with regards to the 53 tariff lines, and the elimination of South African customs duties should take place as provided for in Article 2 and in the Annexes to this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Lists 3, 4 and 5 of Annex III to the TDCA are replaced by the Lists 3, 4 and 5 in Annex I to this Decision.

⁷ OJ L 311, 4.12.1999, p. 3.

⁸ OJ L 221, 17.8.2001, p. 37.

Lists 1, 2 and 3 of Annex VI, to the TDCA are replaced by the Lists 1, 2 and 3 in Annex II to this Decision.

Article 2

The terms laid down in Article 12, paragraphs 4, 5, and 6 and Article 15 paragraphs 2,3 and 4 of the TDCA for the dismantling of tariffs with respect to imports into South Africa of products which fall under the 53 tariff lines concerned shall be replaced by the terms laid down in Annexes I and II to this Decision.

Article 3

This Decision shall enter into force on ...2010.

Done at

*For the Cooperation Council
The President*

ANNEX I

SOUTH AFRICA TARIFF ELIMINATION SCHEDULES

TDCA Annex III, Lists 3, 4 and 5

(Referred to in Article 12, paragraphs 4, 5 and 6 of the TDCA)

	IEPA - HS Code 30.09.07	HS96	HS07	Description	Sector	Staging category IEPA	in	Explanatory notes [IEPA]	CurrentTDCA LIST - Annex VI	Treatment in IEPA - New treatment in TDCA
1	3401.20			SOAP IN THE FORM OF FLAKES, GRANULES OR POWDERS	INDUST.	List 5		Regime2: base rate: 12,6%	Annex 3 List 4	Freeze TDCA (12,6%) Liberalise 2011 to 2015. DFQF 2015,
2	3406.00			CANDLES, PLAIN, UNPERFUMED	INDUST.	List 5		Regime 2: base rate: 12,6%	Annex 3 List 4	Freeze TDCA (12,6%) Liberalise 2011 to 2015. DFQF 2015,
3	4818.10			TOILET PAPER IN ROLLS OF A WIDTH OF <= 36CM, WEIGHING PER PLY <=25 G/M ²	INDUST.	List 5		Regime 2: base rate: 10,0%	Annex 3 LIST 3	Freeze TDCA (10%) Liberalise 2011 to 2015. DFQF 2015,
4	4818.20			HANDKERCHIEFS, CLEANSING OR FACIAL TISSUES AND TOWELS, OF PAPER PULP, PAPER, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES	INDUST.	List 5		Regime 2: base rate: 10,0%	Annex 3 LIST 3	Freeze TDCA (10%) Liberalise 2011 to 2015. DFQF 2015,
5	4818.30			TABLECLOTHS AND SERVIETTES OF PAPER PULP, PAPER, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES	INDUST.	List 5		Regime 2: base rate: 10,0%	Annex 3 LIST 3	Freeze TDCA (10%) Liberalise 2011 to 2015. DFQF 2015,
6	4818.40			SANITARY TOWELS OF PAPER PULP, PAPER, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES	INDUST.	List 5		Regime 2: base rate: 10,0%	Annex 3 LIST 3	Freeze TDCA (10%) Liberalise 2011 to 2015. DFQF 2015,

7	4818.90			PAPER, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES, OF A KIND USED FOR HOUSEHOLD OR SANITARY PURPOSES, IN ROLLS OF A WIDTH ≤ 36CM, OR CUT TO SIZE OR SHAPE; ARTICLES OF PAPER PULP, PAPER, CELLULOSE WADDING OR WEBS OF CELLULOSE FIBRES FOR HOUSEHOLD	INDUST.	List 5	Regime 2: base rate: 10,0%	Annex 3 LIST 3	Freeze TDCA (10%) Liberalise 2011 to 2015. DFQF 2015,
11	6115.99			FULL-LENGTH OR KNEE-LENGTH STOCKINGS, SOCKS AND OTHER HOSIERY, INC. STOCKINGS FOR VARICOSE VEINS AND FOOTWEAR WITHOUT APPLIED SOLES OF TEXTILE MATERIALS, KNITTED OR CROCHETED (EXC. OF WOOL, FINE ANIMAL HAIR, COTTON OR SYNTHETIC FIBRES, PANTYHOSE)	INDUST.	List 5	Regime 2: base rate: 20%	Annex 3 List 5 textile-clothing	Freeze TDCA (20%) Liberalise 2011 to 2015. DFQF 2015,
12	6204.22.00			WOMEN'S OR GIRL'S ENSEMBLES OF COTTON, INDUSTRIAL AND OCCUPATIONAL (EXCL. KNITTED OR CROCHETED)	INDUST.	List 5	Regime 2: base rate: 10%	Annex 3 List 5 textile-clothing	Freeze TDCA (10%) Liberalise 2011 to 2015. DFQF 2015,
13	6601.10			GARDEN OR SIMILAR UMBRELLAS (EXCL. BEACH TENTS)	INDUST.	List 5	Regime 2: base rate: 18,9%	Annex 3 List 4	Freeze TDCA (18,9%) Liberalise 2011 to 2015. DFQF 2015,
14	6601.91			UMBRELLAS HAVING A TELESCOPIC SHAFT (EXCL. TOY UMBRELLAS)	INDUST.	List 5	Regime 2: base rate: 18,9%	Annex 3 List 4	Freeze TDCA (18,9%) Liberalise 2011 to 2015. DFQF 2015,
15	6601.99			UMBRELLAS AND SUN UMBRELLAS, INCL. WALKING-STICK UMBRELLAS (EXCL. UMBRELLAS WITH A COVER OF WOVEN TEXTILE MATERIALS AND UMBRELLAS HAVING A TELESCOPIC SHAFT, GARDEN UMBRELLAS AND THE LIKE, AND TOY UMBRELLAS)	INDUST.	List 5	Regime 2: base rate: 18,9%	Annex 3 List 4	Freeze TDCA (18,9%) Liberalise 2011 to 2015. DFQF 2015,
16	8528.4910			VIDEO MONITORS, COLOUR, WITH CATHODE RAY TUBE WITH A SCREEN WIDTH/HEIGHT RATIO ≥ 1,5 WITH SCANNING PARAMETERS OF >625 LINES	INDUST.	List 5	Regime 2: base rate: 15,75%	Annex 3 List 4	Freeze TDCA (15,75%) Liberalise 2011 to 2015. DFQF 2015,
17	8528.7210			VIDEO TUNERS ELECTRONIC ASSEMBLIES FOR INCORPORATION INTO AUTOMATIC DATA-PROCESSING MACHINES	INDUST.	List 5	Regime 2: base rate: 15,75%	Annex 3 List 4	Freeze TDCA (15,75%) Liberalise 2011 to 2015. DFQF 2015,

18	8528.7310			TELEVISION RECEIVERS, BLACK AND WHITE OR OTHER MONOCHROME, WHETHER OR NOT INCORPORATING RADIO-BROADCAST RECEIVERS OR SOUND OR VIDEO RECORDING OR REPRODUCING APPARATUS	INDUST.	List 5	Regime 2: base rate: 15,75%	Annex 3 List 4	Freeze TDCA (15,75%) Liberalise 2011 to 2015. DFQF 2015,
19	9607.11			SLIDE FASTENERS FITTED WITH CHAIN SCOOPS OF BASE METAL)	INDUST.	List 5	Regime 2: base rate: 12,6%	Annex 3 List 4	Freeze TDCA (12,6%) Liberalise 2011 to 2015. DFQF 2015,
20	9607.19			SLIDE FASTENERS (EXC. FITTED WITH CHAIN SCOOPS OF BASE METAL)	INDUST.	List 5	Regime 2: base rate: 12,6%	Annex 3 List 4	Freeze TDCA (12,6%) Liberalise 2011 to 2015. DFQF 2015,
21	9607.2050			PARTS OF SLIDE FASTENERS OF BASE METAL	INDUST.	List 5	Regime 2: base rate: 12,6%	Annex 3 List 4	Freeze TDCA (12,6%) Liberalise 2011 to 2015. DFQF 2015,
22	9607.2090			PARTS OF SLIDE FASTENERS (OTHER THAN OF BASE METAL)	INDUST.	List 5	Regime 2: base rate: 9,45%	Annex 3 List 4	Freeze TDCA (9,45%) Liberalise 2011 to 2015. DFQF 2015,

ANNEX II

SOUTH AFRICA TARIFF ELIMINATION SCHEDULES

TDCA Annex VI, Lists 1, 2 and 3

(Referred to in Article 15, paragraphs 2, 3 and 4 of the TDCA)

	IEPA - HS Code 30.09.07	HS96	HS07	Description	Sector	Staging category IEPA	in	Explanatory notes [IEPA]	CurrentTDCA LIST - Annex VI	Treatment in IEPA - New treatment in TDCA
1	0207.12	02071200	02071210	FROZEN FOWLS OF SPECIES GALLUS DOMESTICUS, PLUCKED AND DRAWN, WITHOUT HEADS AND FEET BUT WITH NECKS, HEARTS, LIVERS AND GIZZARDS, KNOWN AS "70% CHICKENS	Agriculture	List 5		Regime 1 (base rate: 17,01%)	Annex VI, LIST 3	Freeze rate at 2007TDCA level (17.01%). No further liberalisation at this stage.
2	0207.14.20	02071420	02071420	FROZEN HALVES OR QUARTERS OF FOWLS OF THE SPECIES GALLUS DOMESTICUS	Agriculture	List 5		Regime 2: (base rates: 21,6%)	Annex VI, LIST 3	Average Of MFN (27%) and TDCA (0%) Rates. Liberalise 2011 to 2015. DFQF 2015.
3	0207.14.90	02071490	02071499	FROZEN EDIBLE OFFAL OF FOWLS OF THE SPECIES GALLUS DOMESTICUS (EXCL. LIVERS) - OTHER	Agriculture	List 5		Regime 1: (base rate: 138,6c/kg) (N.B.incorrect duty in IEPA)	Annex VI, LIST 2	Freeze rate at 2007TDCA level (138.6c/kg) No further liberalisation at this stage.
4	0408.11	04081100	04081180	EGG YOLKS, DRIED, FOR HUMAN CONSUMPTION, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER	Agriculture	List 5		Regime 2: base rate: 11,97%	Annex VI, LIST 3	Freeze TDCA (11.97%) Liberalise 2011 to 2015. DFQF 2015,
5	0408.19	04081900	04081989	EGG YOLKS (OTHER THAN LIQUID), FROZEN OR OTHERWISE PRESERVED, SUITABLE FOR HUMAN CONSUMPTION, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER (EXCL. DRIED)	Agriculture	List 5		Regime 2: base rate: 11,97%	Annex VI, LIST 3	Freeze TDCA (11.97%) Liberalise 2011 to 2015. DFQF 2015

6	0408.91	04089100	04089180	DRIED BIRDS" EGGS, NOT IN SHELL, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER, SUITABLE FOR HUMAN CONSUMPTION (EXCL. EGG YOLKS)	Agriculture	List 5	Regime 2: base rate: 11,97%	Annex VI, LIST 3	Freeze TDCA (11.97%) Liberalise 2011 to 2015. DFQF 2015
7	0408.99	04089900	04089980	BIRDS" EGGS, NOT IN SHELL, FRESH, COOKED BY STEAMING OR BY BOILING IN WATER, MOULDED, FROZEN OR OTHERWISE PRESERVED, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER, SUITABLE FOR HUMAN CONSUMPTION (EXCL. DRIED AND EGG YOLKS)	Agriculture	List 5	Regime 2: base rate: 11,97%	Annex VI, LIST 3	Freeze TDCA (11.97%) Liberalise 2011 to 2015. DFQF 2015
8	0409.00	04090000	04090000	NATURAL HONEY	Agriculture	List 5	Regime 2: base rate: 13,86%	Annex VI, LIST 3	Freeze TDCA (13.86%) Liberalise 2011 to 2015. DFQF 2015
9	1102.90.90	11029090	11029090	CEREAL FLOURS (EXCL. WHEAT, MESLIN, RYE, MAIZE, RICE, BARLEY AND OAT)	Agriculture	List 5	Regime 1: base rate: 0,409c/kg	Annex VI, LIST 3	Freeze rate at 2007TDCA level (0.409c/kg). No further liberalisation at this stage.
10	1602.32.10	16023210	16023211	UNCOOKED, PREPARED OR PRESERVED MEAT OR MEAT OFFAL OF FOWLS OF THE SPECIES GALLUS DOMESTICUS CONTAINING >= 57% MEAT OR OFFAL OF POULTRY (EXCL. SAUSAGES AND SIMILAR PRODUCTS, AND PREPARATIONS OF LIVER)	Agriculture	List 5	Regime 1: base rate: 12,6%	Annex VI, LIST 3	Freeze rate at 2007TDCA level (12.6%) no further liberalisation at this stage.
11	2003.10.10	20031010	20031020	MUSHROOMS OF THE GENUS AGARICUS, PROVISIONALLY PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID, COMPLETELY COOKED	Agriculture	List 5	Regime 2: basic rate: 12,6%	Annex VI, LIST 3	Freeze TDCA (12.6%) Liberalise 2011 to 2015. DFQF 2015.
12	2003.10.90	20031090	20031030	MUSHROOMS OF THE GENUS AGARICUS, PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID (EXCL. COMPLETELY COOKED MUSHROOMS AND PROVISIONALLY PRESERVED MUSHROOMS)	Agriculture	List 5	Regime 2: basic rate: 12,6%	Annex VI, LIST 3	Freeze TDCA (12.6%) Liberalise 2011 to 2015. DFQF 2015.
13	2003.90.10	20039010	20039000	MUSHROOMS, PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID (EXCL. MUSHROOMS OF THE GENUS "AGARICUS")	Agriculture	List 5	Regime 2: basic rate: 12,6%	Annex VI, LIST 3	Freeze TDCA (12.6%) Liberalise 2011 to 2015. DFQF 2015.

14	2003.90.90	20039090	20039000	MUSHROOMS, PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID (EXCL. MUSHROOMS OF THE GENUS "AGARICUS")	Agriculture	List 5	Regime 2: basic rate: 12,6%	Annex VI, LIST 3	Freeze TDCA (12.6%) Liberalise 2011 to 2015. DFQF 2015.
15	2005.51	20055100	20055100	SHELLED BEANS "VIGNA SPP., PHASEOLUS SPP.", PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID (EXCL. FROZEN)"	Agriculture	List 5	Regime 2: basic rate: 2,614c/kg	Annex VI, LIST 3	Freeze TDCA (2.614C/kg) Liberalise 2011 to 2015. DFQF 2015
16	2005.59	20055900	20055900	UNSHELLED BEANS "VIGNA SPP., PHASEOLUS SPP.", PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID (EXCL. FROZEN)"	Agriculture	List 5	Regime 2: basic rate: 2,614c/kg	Annex VI, LIST 3	Freeze TDCA (2.614C/kg) Liberalise 2011 to 2015. DFQF 2015
17	2007.10	20071000	20071010	HOMOGENISED PREPARATIONS OF JAMS, FRUIT JELLIES, MARMALADES, FRUIT OR NUT PURE AND PASTES, OBTAINED BY COOKING, PUT UP FOR RETAIL SALE AS INFANT FOOD OR FOR DIETETIC PURPOSES, IN CONTAINERS OF <= 250 G, WITH SUGAR CONTENT OF > 13% BY WEIGHT	Agriculture	List 5	Regime 2: base rate: 24%	Annex VI, LIST 2	Average Of MFN (30% or 4.5c/kg) and TDCA (0) Rates. Liberalise 2011 to 2015. DFQF 2015.
18	2007.91	20079100	20079190	CITRUS FRUIT JAMS, JELLIES, MARMALADES, PURES OR PASTES, OBTAINED BY COOKING, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER (EXCL. WITH SUGAR CONTENT OF > 13% BY WEIGHT AND HOMOGENISED PREPARATIONS OF SUBHEADING 2007.10)	Agriculture	List 5	Regime 2: base rate: 24%	Annex VI, LIST 2	Average Of MFN (30% or 4.5c/kg) and TDCA (0) Rates. Liberalise 2011 to 2015. DFQF 2015.
19	2009.69	20096100	20096911	GRAPE JUICE, INCL. GRAPE MUST, UNFERMENTED, BRIX VALUE > 67 AT 20 C, VALUE OF <= 22 € PER 100 KG, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER (EXCL. CONTAINING SPIRIT)	Agriculture	List 5	Regime 2: base rate: 3,15%	Annex VI, LIST 3	Freeze TDCA (3.15%) Liberalise 2011 to 2015. DFQF 2015.
20	2009.80.10	20098010	20098011	PEAR JUICE, UNFERMENTED, BRIX VALUE > 67 AT 20 C, VALUE OF <= 22 € PER 100 KG, WHETHER OR NOT CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER (EXCL. CONTAINING SPIRIT)	Agriculture	List 5	Regime 2: base rate: 12,6%	Annex VI, LIST 3	Freeze TDCA (12.6%) Liberalise 2011 to 2015. DFQF 2015.
21	5201.00.20	52010020	52010010	COTTON, NEITHER CARDED NOR COMBED, RENDERED ABSORBENT OR BLEACHED	Agriculture	List 5	Regime 2: base rate: 148c/kg	Annex VI, LIST 3	Average Of MFN (160c/kg) and TDCA (100.8c/kg) Rates. Liberalise 2011 to 2015. DFQF 2015.

22	5201.00.90	52010090	52010090	COTTON, NEITHER CARDED NOR COMBED (EXCL. RENDERED ABSORBENT OR BLEACHED)	Agriculture	List 5	Regime 2: base rate: 9,45%	Annex VI, LIST 3	Freeze TDCA (9.45%) Liberalise 2011 to 2015. DFQF 2015,
23	5203.00	52030000	52030000	COTTON, CARDED OR COMBED	Agriculture	List 5	Regime 2: base rate: 9,45%	Annex VI, LIST 3	Freeze TDCA (9.45%) Liberalise 2011 to 2015. DFQF 2015,
24	1806.10	18061000	18061000	COCOA POWDER CONTAINING ADDED SUGAR OR OTHER SWEETENING MATTER	Agriculture PAPS	List 5	Regime 2: base rate 10.71%	Annex VI, LIST 3	Freeze at TDCA rate of 2007 and liberalise 2011-2015
25	1806.20.10	18062010	18062010	CHOCOLATE AND OTHER FOOD PREPARATIONS (OTHER), IN BLOCKS, SLABS OR BARS WEIGHING > 2 KG OR IN LIQUID, PASTE, POWDER, GRANULAR OR OTHER BULK FORM, IN CONTAINERS OR IMMEDIATE PACKINGS OF A CONTENT > 2 KG (EXCL. COCOA POWDER): CHOCOLATE AND SUGAR CONFECTIONERY CONTAINING COCOA	Agriculture PAPS	List 5	Regime 2: base rate 13.23%	Annex VI, LIST 3	Freeze at TDCA rate of 2007 and liberalise 2011-2015
26	1806.20.90	18062090	18062090	CHOCOLATE AND OTHER FOOD PREPARATIONS, IN BLOCKS, SLABS OR BARS WEIGHING > 2 KG OR IN LIQUID, PASTE, POWDER, GRANULAR OR OTHER BULK FORM, IN CONTAINERS OR IMMEDIATE PACKINGS OF A CONTENT > 2 KG (EXCL. COCOA POWDER): OTHER	Agriculture PAPS	List 5	Regime 2: base rate 10.71%	Annex VI, LIST 3	Freeze at TDCA rate of 2007 and liberalise 2011-2015
27	1806.31	18063100	18063100	CHOCOLATE AND OTHER PREPARATIONS CONTAINING COCOA, IN BLOCKS, SLABS OR BARS OF <= 2 KG, FILLED	Agriculture PAPS	List 5	Regime 2: base rate 12.6%	Annex VI, LIST 3	Freeze at TDCA rate of 2007 and liberalise 2011-2015
28	1806.32	180632	180632	CHOCOLATE AND OTHER PREPARATIONS CONTAINING COCOA, IN BLOCKS, SLABS OR BARS OF <= 2 KG, WITH ADDED CEREAL, FRUIT OR NUTS (EXCL. FILLED)	Agriculture PAPS	List 5	Regime 2: base rate 12.6%	Annex VI, LIST 3	Freeze at TDCA rate of 2007 and liberalise 2011-2015
29	1902.11	19021100	19021100	UNCOOKED PASTA, NOT STUFFED OR OTHERWISE PREPARED, CONTAINING EGGS	Agriculture PAPS	List 5	Regime 2: base rate 18.9%	Annex VI, LIST 3	Freeze at TDCA rate of 2007 and liberalise 2011-2015
30	1902.19	19021900	19021900	UNCOOKED PASTA, NOT STUFFED OR OTHERWISE PREPARED, NOT CONTAINING EGGS	Agriculture PAPS	List 5	Regime 2: base rate 18.9%	Annex VI, LIST 3	Freeze at TDCA rate of 2007 and liberalise 2011-2015

31	1905.20	19052000	19052000	GINGERBREAD AND THE LIKE, WHETHER OR NOT CONTAINING COCOA	Agriculture PAPS	-	List 5	Regime 3: base rate 13.23%	Annex VI, LIST 3	Freeze at TDCA rate of 2007 and liberalise 2011-2015
32	1905.32	19053000	19053200	WAFFLES AND WAFERS	Agriculture PAPS	-	List 5	Regime 3: base rate 13.23%	Annex VI, LIST 3	Freeze at TDCA rate of 2007 and liberalise 2011-2015
33	1905.40	19054000	19054000	RUSKS, TOASTED BREAD AND SIMILAR TOASTED PRODUCTS	Agriculture PAPS	-	List 5	Regime 3: base rate 13.23%	Annex VI, LIST 3	Freeze at TDCA rate of 2007 and liberalise 2011-2015
34	2203.00.90	22030090	22030090	BEER MADE FROM MALT	Agriculture PAPS	-	List 5	Regime 2: base rate 5%	Annex VI, LIST 1	Reintroduce MFN (MFN rate = 5% of fob value) and liberalise 2011-2015