

Southern African Development Community (SADC) - EPA (Angola, Botswana, Lesotho, Mozambique, Namibia, South Africa and Swaziland)

Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part ([OJ L 250, 16.09.2016](#))

Article 30 - Special provisions on administrative cooperation

1. The Parties agree that administrative cooperation is essential for the implementation and the control of the preferential treatment granted under this Chapter and underline their commitment to combat irregularities and fraud in customs and related matters.

2. The Parties also agree to cooperate in ensuring that the necessary institutional structures enable the responsible authorities to effectively respond to requests for assistance in a timely manner.

3. For the purpose of this Article, and without prejudice to Article 9 of Protocol 2, a failure to provide administrative cooperation shall mean, inter alia:

(a) repeated failure to respect the obligations to verify the originating status of the product or products concerned as provided for in Article 38 of Protocol 1;

(b) repeated refusal or undue delay in carrying out and/or communicating the results of subsequent verification of the proof of origin as provided for in Article 38 of Protocol 1;

(c) repeated refusal or undue delay in obtaining authorisation to conduct administrative cooperation missions to verify the authenticity of documents or accuracy of information relevant to the granting of the preferential treatment in question as provided for in Article 7 of Protocol 2.

4. For the purpose of this Article, a finding of irregularities or fraud may be made, inter alia, where there is a rapid increase, without legitimate explanation, in imports of goods exceeding the usual level of production and export capacity of the other Party that is linked to objective information concerning irregularities or fraud.

5. Where a Party has made a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud, the Party concerned may, in exceptional circumstances, temporarily suspend the relevant preferential treatment of the product or the products concerned, and of the specific origin concerned in accordance with this Article.

6. For the purposes of this Article, exceptional circumstances mean those circumstances which have or might have a significant negative effect on a Party if a relevant preferential treatment of the product or the products concerned is to be continued.

7. The application of a temporary suspension pursuant to paragraph 5 shall be subject to the following conditions:

(a) the Party which has made a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud shall without undue delay notify the Trade and Development Committee of its finding together with the objective information and enter into consultations within the Trade and Development Committee, on the basis of all relevant information and objective findings, including information related to capacity and/or structural constraints, with a view to reaching a solution acceptable to both Parties;

(b) where the Trade and Development Committee has examined the matter and has failed to agree on an acceptable solution within four (4) months from the receipt of the notification, the Party concerned may temporarily suspend the relevant preferential treatment of the product or products concerned, and of the specific origin concerned. A temporary suspension shall be notified to the Trade and Development Committee without undue delay. At the request of either Party, the period to agree on an acceptable solution may, where duly justified, be extended to five (5) months;

(c) temporary suspensions under this Article shall be limited to those necessary to protect the financial interests of the Party concerned. They shall not exceed a period of six (6) months, which may be renewed after the Trade and Development Committee has had the opportunity to re-examine the matter. Temporary suspensions shall be notified immediately after their adoption to the Trade and Development Committee. They shall be subject to periodic consultations within the Trade and Development Committee in particular with a view to their termination as soon as the conditions for their application are no longer given.