

No. 47696

**South Africa
and
Nigeria**

Trade Agreement between the Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria. Cape Town, 29 April 2000

Entry into force: *27 July 2000 by notification, in accordance with article 12*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *South Africa, 30 August 2010*

**Afrique du Sud
et
Nigéria**

Accord commercial entre le Gouvernement de la République sud-africaine et le Gouvernement de la République fédérale du Nigeria. Le Cap, 29 avril 2000

Entrée en vigueur : *27 juillet 2000 par notification, conformément à l'article 12*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 30 août 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

**TRADE AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF
SOUTH AFRICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC OF
NIGERIA**

PREAMBLE

The Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria (hereinafter referred to as the “Parties”);

DESIRING to facilitate and develop trade relations between their two countries on the basis of equality and mutual benefit;

NOTING that both countries are members of the World Trade Organisation;

BEING CONVINCED that cooperation in trade is essential to achieve maximum development in their respective countries;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Umbrella Provision

The Parties shall make every effort to increase the volume of trade between their two countries in accordance with their respective domestic laws and subject to obligations under international treaties, conventions or agreements to which they may be party and shall endeavour to achieve a balance of trade between themselves, taking into account payments for invisible trade.

ARTICLE 2

Most Favoured Nation Treatment

The Parties shall grant each other Most Favoured Nation treatment in matters relating to the importation or exportation of goods between their countries and, in particular, in respect of-

- (1) customs duties and all other charges and taxes applicable to the importation or exportation of goods as well as methods of levying such duties, charges and taxes;
- (2) legal provisions pertaining to customs clearance, transit, storage and reloading;
- (3) internal taxes and other levies of any kind applicable directly or indirectly to imported goods;
- (4) methods of effecting payments arising from the implementation of this Agreement and the transfer of such payments;
- (5) quantitative limitations on imports and exports;
- (6) legal provisions pertaining to selling, purchasing, transportation, distribution and use of goods in the domestic market; and
- (7) import and export licences or permissions.

ARTICLE 3

Exemption

Article 2 of this Agreement shall not apply to advantages, concessions or exemptions which either Party has granted or may grant-

- (1) to neighbouring countries in order to facilitate frontier traffic; or
- (2) as a consequence of its participation in a customs union, free trade area or monetary zone.

ARTICLE 4

Trade Information and Facilitation

In order to facilitate commercial transactions under this Agreement, the Parties shall-

- (1) furnish each other, upon request, with all necessary information which could contribute to the expansion of trade and commercial activities between their countries; and
- (2) provide freedom of transit of goods of the country of the other Party through its territory.

ARTICLE 5

Payment Arrangement

All payments for goods and services arising from the application of this Agreement shall be effected in freely convertible currencies through normal banking channels in accordance with the respective foreign exchange laws of the Parties.

ARTICLE 6

Participation in Trade Fairs

For the purposes of this Agreement and subject to their respective domestic laws, the Parties shall-

- (1) allow the organisation, in their respective countries, of trade fairs and exhibitions and permit each other to utilise appropriate facilities for the holding of such fairs and exhibitions; and
- (2) permit and exempt from customs duties, taxes and other levies, the importation and exportation of goods not intended for sale, namely-
 - (1) samples of goods and publicity materials required only for obtaining orders and for advertising purposes;
 - (2) objects designed for tests and experiments and equipment for interpretation and sound recording apparatus;
 - (3) construction and decorating materials and electrical fittings for temporary stands or for the display or exhibition of such goods;

- (4) goods and instruments which are part of the personal baggage of technicians or experts and destined to be used by them in the course of duties to be performed by them in relation to such fairs, exhibitions, demonstrations, seminars, congresses or conferences by virtue of their assignment thereto;
- (5) tools and articles which, after having been exported, are returned for repairs if such goods are re-exported after such repairs; and
- (6) containers of exported and imported goods: Provided that if they are sold or consumed, the appropriate duties, taxes and other levies shall be paid.

ARTICLE 7

Safeguard Measures

- 1. If, as a result of unforeseen developments and in terms of an obligation incurred by a Party under this Agreement, any product is imported into the territory of that Party in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers in such territory of like or directly competitive products, the Party into whose territory the products are imported shall, subject to paragraph 2 of this Article, be free to suspend the relevant obligation in whole or in part or to withdraw or modify such obligation.
- 2. Before a Party takes action pursuant to paragraph 1 of this Article, it shall give notice in writing to the other Party as far in advance as may be practicable and shall afford the other Party an opportunity to consult with it in respect of the proposed action. In critical circumstances, where delay would cause damage which would be difficult to repair, action pursuant to paragraph 1 of this Article may be taken provisionally without prior consultations on the condition that consultations shall be effected immediately after taking such action.