

**CUSTOMS DUTIES ON PRODUCTS
ORIGINATING IN CÔTE D'IVOIRE**

1. Without prejudice to paragraphs 2, 4, 5, 6 and 7, customs duties on imports imposed by the EC Party (hereinafter "EC customs duties") shall be entirely eliminated on all products, originating in Côte d'Ivoire, in Chapters 1 to 97 of the HS, except those in Chapter 93 thereof, upon the entry into force of this Agreement. For products in Chapter 93, the EC Party shall continue to apply the Most Favoured Nation (MFN) duties.
2. Import duties on the products of tariff heading 1006 shall be eliminated as from 1 January 2010, with the exception of import duties on the products of subheading 1006 10 10, which shall be eliminated as from 1 January 2008.
3. The Parties agree that the provisions of Protocol 3 on ACP Sugar of the Cotonou Agreement (hereinafter the "Sugar Protocol") shall remain applicable until 30 September 2009. After this date, the EC Party and Côte d'Ivoire agree that the Sugar Protocol will no longer be in force between them. For the purposes of Article 4(1) of the Sugar Protocol, the delivery period 2008/9 shall last from 1 July 2008 to 30 September 2009. The guaranteed price from 1 July 2008 to 30 September 2009 shall be decided following the negotiations provided for in Article 5(4) of the Sugar Protocol.
4. EC customs duties on products of tariff heading 1701 originating in Côte d'Ivoire shall be eliminated as from 1 October 2009. No import licence shall be granted with regard to products to be imported, unless the importer undertakes to purchase such products at a price at least equal to the guaranteed prices fixed for sugar imported into the EC Party under the Sugar Protocol.
5. (a) The EC Party may, during the period between 1 October 2009 and 30 September 2015, impose the applied MFN duty on the products originating in Côte d'Ivoire of tariff heading 1701 imported in excess of the following levels expressed in white sugar equivalent, which are deemed to cause a disruption in the EC Party sugar market:
 - (i) 3,5 million tonnes in a marketing year for products originating in the members of the African, Caribbean and Pacific Group of States (ACP States) signatory to the Cotonou Agreement, and
 - (ii) 1,38 million tonnes in the marketing year 2009/2010 for products originating in the ACP States which are not recognised by the United Nations as least developed countries. The figure of 1,38 million tonnes shall increase to 1,45 million tonnes in marketing year 2010/2011, and 1,6 million tonnes in the following four marketing years;
- (b) The importation of products of tariff heading 1701 originating in any signatory West African State which is recognised by the United Nations as a least developed country shall not be subject to the provisions of subparagraph 5(a). However, such imports shall remain subject to the provisions of Article 25¹;
- (c) The imposition of the applied MFN duty shall cease at the end of the marketing year during which it was introduced;
- (d) Any measure taken pursuant to this paragraph shall be notified immediately to the EPA Committee and shall be the subject of periodic consultations within that body.
6. As of 1 October 2015, for the purpose of applying the provisions of Article 25, disruptions in the market for products of tariff heading 1701 may be deemed to arise in situations where the average European Community price of white sugar falls during two consecutive months below 80 % of the average European Community price for white sugar prevailing during the previous marketing year.
7. From 1 January 2008 to 30 September 2015, products of tariff headings 1704 90 99, 1806 10 30, 1806 10 90, 2106 90 59 and 2106 90 98 shall be subject to a special surveillance mechanism in order to ensure that the arrangements provided for in paragraphs 4 and 5 are not being circumvented. In the event of a cumulative increase in imports of

¹ For these purposes and by derogation from Article 25, individual West African States recognised by the United Nations as least developed countries may be subject to safeguard measures.

one or more of such products originating in Côte d'Ivoire by more than 20 % in volume over a period of 12 consecutive months compared to the average of the yearly imports over the previous three 12-month periods, the EC Party shall analyse the pattern of trade, the economic justification and the sugar content of such imports and, if it considers that such imports are used to circumvent the arrangements provided for under paragraphs 4 and 5, it may suspend the preferential treatment and introduce the specific MFN duty applied to imports pursuant to the European Community Common Customs Tariff for products of tariff headings 1704 90 99, 1806 10 30, 1806 10 90, 2106 90 59 and 2106 90 98 originating in Côte d'Ivoire. Subparagraphs 5(b), (c) and (d) shall apply *mutatis mutandis* to action under this paragraph.

8. Between 1 October 2009 and 30 September 2012, with regard to the products of tariff heading 1701, no preferential import licence shall be granted unless the importer undertakes to purchase such products at a price not lower than 90 % of the reference price set by the EC Party for the relevant marketing year.
9. Paragraph 1 shall not apply to products of tariff heading 0803 00 19 originating in Côte d'Ivoire and released for free circulation in the outermost regions of the EC Party. Paragraphs 1, 3 and 4 shall not apply to products of tariff heading 1701 originating in Côte d'Ivoire and released for free circulation in the French Overseas Departments. This provision shall be applicable for a period of ten years. This period shall be extended for a further ten years unless the Parties agree otherwise.