

No. 45052*

**South Africa
and
China**

Memorandum of understanding between the Government of the Republic of South Africa and the Government of the People's Republic of China on promoting bi-lateral trade and economic cooperation (with annex). Pretoria, 28 August 2006

Entry into force: *28 August 2006 by signature, in accordance with article 9*

Authentic texts: *Chinese and English*

Registration with the Secretariat of the United Nations: *South Africa, 18 June 2008*

**Afrique du Sud
et
Chine**

Mémorandum d'accord entre le Gouvernement de la République sud-africaine et le Gouvernement de la République populaire de Chine sur la promotion de la coopération commerciale et économique bilatérale (avec annexe). Pretoria, 28 août 2006

Entrée en vigueur : *28 août 2006 par signature, conformément à l'article 9*

Textes authentiques : *chinois et anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 18 juin 2008*

* *The texts reproduced below are the original texts of the agreement as submitted. For ease of reference, they were sequentially paginated. Their final UNTS version is not yet available.*

Les textes reproduit ci-dessous sont les textes authentiques de l'accord tel que soumises pour l'enregistrement. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Leur version finale RTNU n'est pas encore disponible.

[ENGLISH TEXT – TEXTE ANGLAIS]

Preamble

The Government of the Republic of South Africa and the Government of the People's Republic of China (hereinafter jointly referred to as the "Parties" and in the singular as a "Party");

PURSUANT to the talks on bilateral trade, and economic and technological cooperation;

WILLING to further expand bilateral economic and trade cooperation between the Parties under the principle of equal cooperation and mutual benefit;

ACCEPTING each Party's views over the issues of trade remedies, restructuring of the textile and apparel industry, resource and technological cooperation, policy and institutional support framework, and having recognised China's Market Economy Status in June 2004;

ACKNOWLEDGING positive achievements obtained through friendly cooperation in the fields of economy and trade since the establishment of diplomatic ties between the two countries;

and

DESIROUS to continue to strengthen and elevate bilateral economic and trade relations to a higher level and expand them into more extensive fields;

HEREBY AGREE as follows:

**Article 1
Definitions**

In this Memorandum of Understanding unless the context indicates otherwise—

"South Africa" means the Government of the Republic of South Africa;
"China" means the Government of the People's Republic of China;
"this Memorandum of Understanding" includes the Annexure hereto.

**Article 2
Competent Authorities**

The competent authorities responsible for the implementation of this Memorandum of Understanding shall —

- (a) in the case of the Republic of South Africa, be the Department of Trade and Industry; and
- (b) in the case of the People's Republic of China, be the Ministry of Commerce.

**Article 3
Trade Remedy**

- (1) The Parties agree to enhance dialogue on anti-dumping investigations, grant equal treatment to enterprises from both sides, and address differences

through consultation.

- (2) For purposes of Article 3(1), the Parties' shall sign the Record of Understanding on Anti-dumping Investigation to –
 - (a) implement South Africa's commitment to recognize China as a market economy; and
 - (b) establish a mechanism of cooperation between the Parties' anti-dumping investigation authorities.
- (3) In view of the arrangement made by the Parties pertaining to the textile and apparel trade, South Africa commits itself to not applying Article 16 of the Protocol on Accession of China to the World Trade Organisation, and Paragraph 242 of the Report of the Working Party on the Accession of China against products originating from China, with the understanding that contentious trade issues shall be dealt with in an amicable manner.

Article 4

Textile and Apparel Industry Restructuring

- (1) China shall provide special assistance to South Africa for the purpose of contributing to projects on the training and exchange of information, skills and expertise in the textile and apparel industry. Such projects will be identified through mutual consultation.
- (2) China shall encourage and support Chinese textile and apparel companies to invest in South Africa and South Africa shall provide the necessary facilitation.
- (3) China hereby confirms its inclusion of South Africa in *The Guiding Directory of Countries For Overseas Investment Industries*.
- (4) China shall embrace increased imports from textile and apparel companies in South Africa.
- (5) South Africa shall urge its textile and apparel companies to increase their understanding of the Chinese market.
- (6) The Parties shall administer the trade in certain textile and apparel products as set out in the Annexure.

Article 5

Joint Resource Development and Technological Cooperation

- (1) South Africa shall encourage South African companies to explore mutually beneficial co-operation with their Chinese counterparts, including in the field of technology transfer in mining and energy.
- (2) The Parties shall commit themselves to providing investment facilitation for companies in resource development and related business, including the timely sharing of information requested on the transfer and sales of the ownership of related mineral resources.

- (3) South Africa shall compile a list of competent BEE (Black Economic Empowerment) companies and encourage their cooperation with Chinese companies.

Article 6

Framework of Institutional and Policy Support

- (1) The Parties shall, through their customs administrations and in accordance with the provisions set out in this Memorandum of Understanding, afford each other mutual assistance:
- (a) to ensure that the customs law in force in their respective territories is properly observed;
 - (b) to prevent, investigate and combat customs offences.
- (2) For the purposes of customs co-operation, the customs administrations of the Parties have had in-depth discussions and will conclude a framework on customs co-operation.
- (3) The Parties shall enhance cooperation to further rectify and standardize bilateral trade relations with the aim of promoting sound, stable and sustained development of bilateral trade.
- (4) The Parties shall encourage and support enterprises to engage in events such as marketing and commodity exhibitions, and increase exportation to each other's markets in various ways.
- (5) South Africa commits itself to reviewing its current policies and practices in order to—
- (a) facilitate the speedy processing of visa applications in accordance with its domestic law with the understanding that this is done to—
 - (i) create a better and stable environment for trade and investment; and
 - (ii) attract more Chinese enterprises to invest in the Republic of South Africa;
 - (b) conduct trade activities that can help to create more job opportunities in the Republic of South Africa; and
 - (c) further promote bilateral trade and economic cooperation between the Parties.

Article 7

Amendments

This Memorandum of Understanding may be amended by mutual consent of the Parties through an Exchange of Notes.

**Article 8
Settlement of Disputes**

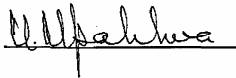
Any dispute arising out of the interpretation, application or implementation of the provisions of this Memorandum of Understanding shall be settled amicably through consultations or negotiations between the Parties.

**Article 9
Entry into Force, Duration and Termination**

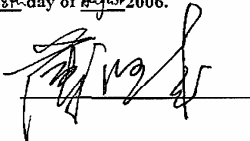
- (1) This Memorandum of Understanding shall remain in force unless terminated through mutual consultation. Either Party shall give six months notice in advance through the diplomatic channel of its intention to terminate it.
- (2) The Parties agree to meet at least once a year to review matters.
- (3) The Memorandum of Understanding shall enter into force upon the last signature thereof.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed and sealed this Memorandum of Understanding in two originals in the English and Chinese languages, both texts being equally authentic.

DONE at Pretoria on this 28th day of August 2006.



MANDISI MPAHLWA



BO XILAI

FOR THE GOVERNMENT
OF THE REPUBLIC OF SOUTH
AFRICA

FOR THE GOVERNMENT
OF THE PEOPLE'S REPUBLIC OF
CHINA

ANNEXURE

Export of Certain Chinese Textile and Apparel Products to the Republic of South Africa

(1) From entry into force until 31 December 2008, the export of the 31 tariff lines of Chinese products to South Africa, as listed in the table below, shall be administered in accordance with the volumes specified in said table. This Annexure shall enter into force 30 days after signature of this Memorandum of Understanding.

ITEM	Description	Unit	2006*	2007	2008
5208	Woven cotton fabric, >85% cotton, 100 or 200g/m ²	kg	2,635,859	3,004,879	3,425,562
5209	Woven cotton fabric, >200g/m ²	kg	4,400,371	5,280,445	6,336,535
5210	Woven cotton fabric, <85% cotton, + manmade fibre <200g/m ²	kg	457,151	539,438	636,537
5514	Woven fabrics of polyester + cotton >170g/m ²	kg	1,495,711	1,764,939	2,082,628
6005	Warp knit fabrics	kg	547,532	635,137	736,759
6006	Other knitted or crocheted fabrics	kg	2,372,788	2,704,978	3,083,675
6303	Curtains	kg	4,432,298	4,778,018	5,150,703
6103.4	Men's knitted trousers	no.	4,281,423	4,666,751	5,086,759
6104.3	Women's knitted jackets	no.	808,896	881,696	961,049
6104.5	Women's knitted skirts	no.	3,147,035	3,430,268	3,738,992
6104.6	Women's knitted trousers	no.	5,463,905	5,955,657	6,491,666
6105	Men's knitted shirts	no.	4,940,906	5,385,587	5,870,290
6106	Women's knitted blouses	no.	9,011,962	9,823,039	10,707,112
6107.1	Men's knitted underpants	no.	9,112,087	9,932,175	10,826,071
6108.2	Women's knitted panties	no.	30,384,254	33,118,836	36,099,532
6111	Babies' knitted garments	kg	1,557,721	1,713,493	1,884,842
6201.9	Men's woven windbreakers	no.	1,920,567	2,070,371	2,231,860
6202.1	Women's woven overcoats	no.	1,449,691	1,594,660	1,754,126
6202.9	Women's woven windbreakers	no.	780,900	874,608	979,561
6203.1	Men's woven suits	no.	254,855	295,632	342,934
6203.3	Men's woven jackets	no.	2,940,367	3,205,000	3,493,450
6203.4	Men's woven trousers	no.	24,759,141	26,690,354	28,772,201
6204.3	Women's woven jackets	no.	3,204,244	3,524,668	3,877,135

6204.4	Women's woven dresses	no.	1,059,326	1,165,259	1,281,785
6204.5	Women's woven skirts	no.	8,304,100	8,951,820	9,650,062
6204.6	Women's woven trousers	no.	22,527,103	24,284,217	26,178,386
6205	Men's woven shirts	no.	13,716,497	14,950,981	16,296,570
6206	Women's woven blouses	no.	10,189,257	11,411,968	12,781,404
6211.3(90)	Men's woven tracksuits	kg	961,401	1,057,541	1,163,295
	6211.31.90				
	6211.32.90				
	6211.33.90				
	6211.39.90				
6211.4(90)	Women's woven tracksuits	kg	232,098	259,949	291,143
	6211.41.90				
	6211.42.90				
	6211.43.90				
	6211.49.90				
6212.1	Bras	kg	667,184	747,246	836,916

* Actual volumes of 2006 will be calculated on the pro rata basis.

(2) In view of implementing this Annexure, South Africa shall administer import of the products indicated in the above table. China will provide necessary cooperation. For this purpose, the precise modalities shall be developed to ensure smooth implementation.

(3) South Africa shall provide the statistics of actual import data of the products indicated in the above table on a monthly basis.

[CHINESE TEXT – TEXTE CHINOIS]

**南非共和国政府与中华人民共和国政府
关于促进两国贸易和经济技术合作的谅解备忘录**

序

南非共和国政府代表与中华人民共和国政府代表（以下合称“双方”，单称“一方”）

双方就双边贸易、经济和技术合作事宜进行的会谈。

双方表达了在平等合作、互利共赢原则基础上继续扩大双边经贸合作的共同愿望。

双方就贸易救济、纺织服装产业结构调整、资源与技术合作、政策和制度支持框架等议题达成了共识。南非于 2004 年 6 月承认了中国的市场经济地位。

认识到南中双边良好的经贸关系，致力于在更高层次和更广泛领域发展这一关系，兹达成如下共识：

第一条 定义

在本谅解备忘录中，除上下文中有特别说明

“南非”指南非共和国政府；

“中国”指中华人民共和国政府；

“本谅解备忘录”包括附件在内。

第二条 主管部门

主管部门负责本谅解备忘录的执行

在南非共和国是贸易和工业部；
在中华人民共和国是商务部。

第三条 贸易救济

(一) 双方同意在反倾销调查中加强对话，相互给予对方企业公平待遇，并通过协商解决彼此的分歧。

(二) 为本条第(一)款之目的，双方将签署《关于反倾销调查的谅解备忘录》，从而

- 1、 落实南非承认中国市场经济地位的承诺；并
- 2、 建立双方反倾销调查机关之间的合作机制。

(三) 考虑到双方达成的有关纺织品和服装贸易安排，并本着通过友好方式解决贸易争端的谅解，南非承诺，不对来自中国的产品适用《中国加入世界贸易组织议定书》第16条和《中国加入世界贸易组织工作组报告》第242段。

第四条 纺织品服装的产业调整

(一) 中国向南非提供专项援助，该资金将用于纺织品服装产业内的信息、技术和专家的培训与交流项目。这些项目将由双方协商确定。

(二) 中国将鼓励、支持中国纺织服装企业赴南非投资，南非将对此提供必要的便利。

(三) 中国确认，已将南非列入《对外投资国别产业导向目录》。

(四) 中国将欢迎南非纺织服装企业增加对中国的出口。

(五) 南非将推动其纺织品和服装企业增加对中国市场的了解。

(六) 双方将对附件所列部分纺织品和服装的贸易实施管理。

第五条 共同的资源开发和技术合作

(一) 南非鼓励南非公司与中国公司在包括采矿和能源的技术转让在内的领域寻求互利合作。

(二) 双方承诺，对资源开发及相关行业的公司提供投资便利，包括及时共享有关矿产资源所有权转让、出售的信息。

(三) 南非将提供有实力的黑人经济公司名单，并鼓励其与中国公司开展合作。

第六条 制度与政策支持框架

(一) 据本备忘录之规定，双方将通过海关管理机关之间的相互协助，从而

- 1、严格执行各自的海关法；
- 2、防止、调查并打击不规范进出口行为。

(二) 为海关合作之目的，双方海关管理部门已经进行了深入探讨，并将达成一个有关海关合作的框架协议。

(三) 双方将加强合作，进一步规范双边贸易关系，致力于促进双边贸易的健康、稳定和可持续发展。

(四) 双方将鼓励和支持企业开展市场营销、举办产品展览会等活动，并通过各种方式增加彼此的出口。

(五) 南非承诺，审议现行政策和做法以实现如下目标：

- 1、根据其国内法律，为快速处理签证申请提供条件，以便为贸易和投资创造一个更好的和稳定的环境，并吸引更多的中国企业在南非共和国投资；
- 2、开展贸易活动，为南非共和国创造更多的就业机会；
- 3、进一步推动双边经贸合作。

第七条 修改

本备忘录可经双方同意，通过换函形式加以修改。

第八条 争议的解决

本备忘录之规定在解释、适用或执行过程中产生的任何争议应通过双方磋商或协商友好解决。

第九条 生效、期限和终止


(一) 除非双方通过协商终止，否则本备忘录将持续有效。任何一方的终止意向均应提前六个月通过外交渠道提出。

(二) 双方同意，为审议相关事项每年至少会晤一次。

(三) 本备忘录自后签字一方签署之日起生效。

签字人经其各自政府适当授权，对本备忘录签字。备忘录一式两份，用英、中文两种文字书就，两种文本同等作准。

签字日期


南非共和国政府代表
曼迪西·姆帕尔瓦


中华人民共和国政府代表
薄熙来

附件

关于中国部分输南纺织品服装产品的贸易安排

一、双方同意，自本附件生效日起至 2008 年 12 月 31 日期间内，就下表所列 31 个税号的产品按表中规定的数量实施管理。本附件自本备忘录签署 30 日后生效。

产品税号	中文名称	单位	2006 年出口数量*	2007 年出口数量	2008 年出口数量
5208	棉织物、含棉量在 85% 以上	kg	2,635,859	3,004,879	3,425,562
5209	棉织物，每平方米重量大于 200 克	kg	4,400,371	5,280,445	6,336,535
5210	棉织物，含棉量在 85% 以下	kg	457,151	539,438	636,537
5514	聚酯合成纤维和棉混纺每平方米重量大于 170 克	kg	1,495,711	1,764,939	2,082,628
6005	经编织物	kg	547,532	635,137	736,759
6006	其他针织或钩编织物	kg	2,372,788	2,704,978	3,083,675
6303	窗帘	kg	4,432,298	4,778,018	5,150,703
6103.4	男式针织长裤	no.	4,281,423	4,666,751	5,086,759
6104.3	女式针织短上衣	no.	808,896	881,696	961,049
6104.5	女式针织裙	no.	3,147,035	3,430,268	3,738,992
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6105	男式针织上衣	no.	4,940,906	5,385,587	5,870,290
6106	女式针织外套	no.	9,011,962	9,823,039	10,707,112

6107.1	男式针织内裤、三角裤	no.	9,112,087	9,932,175	10,826,071
6108.2	女式针织衬裤	no.	30,384,254	33,118,836	36,099,532
6111	针织的婴儿服装	kg	1,557,721	1,713,493	1,884,842
6201.9	男式机织风衣	no.	1,920,567	2,070,371	2,231,860
6202.1	女式机织大衣	no.	1,449,691	1,594,660	1,754,126
6202.9	女式机织风衣	no.	780,900	874,608	979,561
6203.1	男式机织西服套装	no.	254,855	295,632	342,934
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6203.4	男式针织长裤	no.	24,759,141	26,690,354	28,772,201
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6204.4	女式机织套裙	no.	1,059,326	1,165,259	1,281,785
6204.5	女式机织裙子	no.	8,304,100	8,951,820	9,650,062
6204.6	女式机织长裤	no.	22,527,103	24,284,217	26,178,386
6205	男式机织衫	no.	13,716,497	14,950,981	16,296,570
6206	女式机织外套	no.	10,189,257	11,411,968	12,781,404
6211.3(90)	男式机织运动服	kg	961,401	1,057,541	1,163,295
	6211.31.90				
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	6211.33.90				
	6211.39.90				
6211.4(90)	女式机织运动服	kg	232,098	259,949	291,143
	6211.41.90				

	6211.42.90				
	6211.43.90				
	6211.49.90				
6212.1	胸罩	kg	667,184	747,246	836,916

*2006 年的实际数量将按附件生效后 2006 年的剩余时间占全年的比例折算。

二、为执行本附件，由南方对本附件第一条所列产品实施进口管理，中方将提供必要的协助。为此目的，将进一步确定能确保本备忘录顺利执行的具体管理模式。

三、南非每月向中国提供南非海关实际放行的本附件第一条所列产品数量统计。