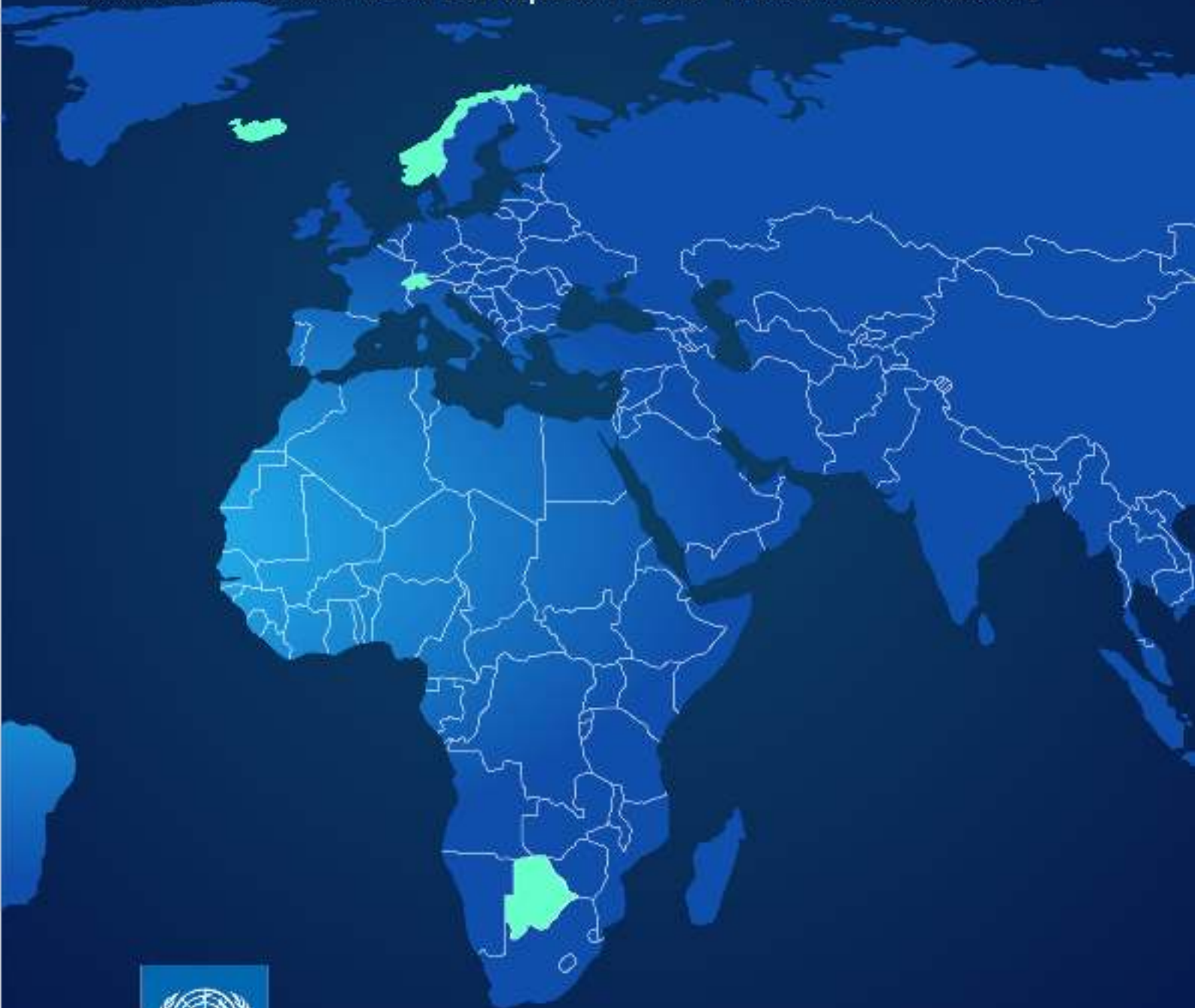


Simplification of Trade Agreements for the Private Sector

Guide to Exporting to the European Free Trade Association Markets

under the Free Trade Agreement between Southern African
Customs Union and European Free Trade Association



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Disclaimer

The views and opinions expressed in this report are those of the authors and do not necessarily reflect the official policy or position of the UNDP or MITI. All errors are the sole responsibility of the authors.

The guide is indicative of the market access conditions at the time of the guide and has been simplified in content to make the trade agreement more accessible. Despite the best efforts made in producing this guide, care should be taken in using the information it contains, in case of any remaining errors or omissions, or changes in regulations.

Foreword

The Free Trade Agreement (FTA) between the European Free Trade Association (EFTA) and the Southern African Customs Union (SACU), which came into force in May 2008, provides the legal basis for trade and development arrangements between the signatories. The agreement covers trade in goods and lays the foundation for a further engagement of the parties with regard to intellectual property, investment, trade in services, and public procurement. It is designed to facilitate the SACU's integration into the world economy through gradual trade liberalisation and improved trade-related cooperation.

The SACU-EFTA FTA opens up large opportunities for promoting bilateral trade between Botswana, as well as other SACU States, to a market of 14 million consumers with a combined Gross Domestic Product (GDP) of more than USD 1 trillion, compared to USD 16 billion for SACU. Together with the SADC-EU EPA, the SACU-EFTA FTA provides Botswana preferential access to the whole European Union (EU) Single Market - one of the largest and most dynamic trading regions in the world.

In order to benefit from the FTA, the private sector needs a better understanding of the agreement's scope and how it works. This guide responds to this need, by simplifying the thousands of pages of the agreement into a digestible format for exporters. It provides a step-by-step guide of the processes that exporters need to meet in order to export to the EFTA, providing examples and clarification on different provisions in the chapter, as well as providing useful links for finding additional information.

The Ministry commissioned the guide to accompany the support already provided to exporters through various institutions and parastatals that drive trade and industry development, including the Botswana Investment and Trade Centre (BITC), which is the Investment and Trade Promotion Authority.

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LIST OF ACRONYMS AND ABBREVIATIONS

AfCFTA	African Continental Free Trade Area
B/L	Bill of Lading
BB	Business Botswana
BEMA	Botswana Exporters and Manufacturing Association
BITC	Botswana Investment and Trade Centre
BLNS	Botswana, Lesotho, Namibia, and Swaziland
BOBS	Botswana Bureau of Standards
BOCONGO	Botswana Council of Non-Governmental Organisations
BURS	Botswana Unified Revenue Service
DIT	Department of International Trade
EDTC	Economic Diversification and Trade Council
EEA	European Economic Area
EFTA	European Free Trade Association
EU	European Union
FCA	Swiss Federal Customs Administration
FOAG	Swiss Federal Office for Agriculture
FSVO	Swiss Food Safety and Veterinary Office
FTA	Free Trade Agreement
GDP	Gross Domestic Product
GIP	General import permits
GSP	Generalized System of Preferences
HACCP	Hazard Analysis and Critical Control Points principles
ITC	International Trade Center
MAST	Icelandic Food and Veterinary Authority
MFN	Most Favoured Nation
MITI	Ministry of Investment, Trade and Industry
MOA	Ministry of Agricultural Development and Food Security
NCTPN	National Committee for Trade Policy Negotiations
NTMs	Non-Tariff Measures
PAYE	Pay-As-You-Earn
PPADB	Public Procurement and Asset Disposal Board
RoO	Rules of Origin
SACU	Southern African Customs Union
SAD	Single Administrative Document
SADC	Southern African Development Community
SECO	Swiss State Secretariat for Economic Affairs
SPS	Sanitary and Phyto-Sanitary

TBT	Technical Barriers to Trade
TIN	Tax Identification Number
TRACES	TRAdE Control and Expert System (TRACES)
UK	United Kingdom
UNDP	United Nations Development Programme
US	United States
USD	United States Dollar
WTO	World Trade Organisation

Introduction

The Ministry of Investment, Trade and Industry (MITI) of Botswana through its Department of International Trade (DIT) is responsible for trade policy formulation and its implementation, import control, trade negotiations as well as coordinating implementation of international trade agreements. The Ministry works with various institutions and parastatals that drive trade and industry development and this includes the Botswana Investment and Trade Centre (BITC), which is the Investment and Trade Promotion Authority with an encompassing mandate of investment promotion and attraction, export promotion, and development, including management of Brand Botswana on behalf of the Government of Botswana and oversight from MITI.

Preferential market access obtained through trade agreements with multiple economic blocs in the world, including the European Union (EU), the United States (US), the European Free Trade Association (EFTA), the United Kingdom (UK), the Southern African Development Community (SADC), as well as the African market through the African Continental Free Trade Area (AfCFTA), is aimed to spur national priorities, such as economic and trade diversification and the country's competitiveness. Botswana has developed various policies aimed at broadening the industrial base, such as the revised National Trade Policy (2019-2024), the revised National Export Strategy (2019-2024), the National Industrial Policy, and the short and medium- to long-term Economic Diversification Drive Strategy. However, a notable change in the country's export basket has yet to be observed.

The Economic Diversification and Trade Council (EDTC) is currently the highest decision-making national body on trade policy dialogue on negotiations and position building, following the rationalisation of the National Committee for Trade Policy Negotiations (NCTPN). The EDTC brings together all national stakeholders, including ministries, customs authorities, non-governmental

organisations, and business representatives such as the Botswana Unified Revenue Service (BURS), Business Botswana (BB), Botswana Exporters and Manufacturing Association (BEMA), and Botswana Council of Non-Governmental Organisations (BOCONGO). Other bodies that influence trade policy and trade include the Botswana Bureau of Standards (BOBS), Public Procurement and Asset Disposal Board (PPADB), and BITC. The Ministry of Agricultural Development and Food Security (MADFS) also plays a critical role in the enforcement of Sanitary and Phytosanitary (SPS) measures and the protection of local horticultural producers through permit allocations and/or temporary bans. At the domestic level, MADFS controls the movement of livestock as a disease control measure. Additionally, the DIT continues to disseminate information about Trade Agreements to the business community. This initiative is targeted towards trade promotion in the various regions and is undertaken in collaboration with stakeholders such as BITC, BB, and BEMA.

Trade Agreements are technically complex and challenging to understand by the public and the business community, who are their key target users. It should ordinarily follow that if the business community easily understands the Trade Agreements, their utilisation of such agreements will increase, and the benefits thereof will be realised. As such, a simplification of Trade Agreements and tailoring the explanation of those agreements to the needs of the private sector is an important step towards better usage in a drive to yield the maximum benefits. The work to produce this simplified trade agreement guide was commissioned by the Ministry of Investment, Trade and Industry and led and coordinated by the DIT, with the support of the UNDP. The guide was prepared to add momentum towards the trade promotion initiatives of the country by enhancing the business community's understanding of trade opportunities through the various trade agreements.

1. The European Free Trade Area: An Overview

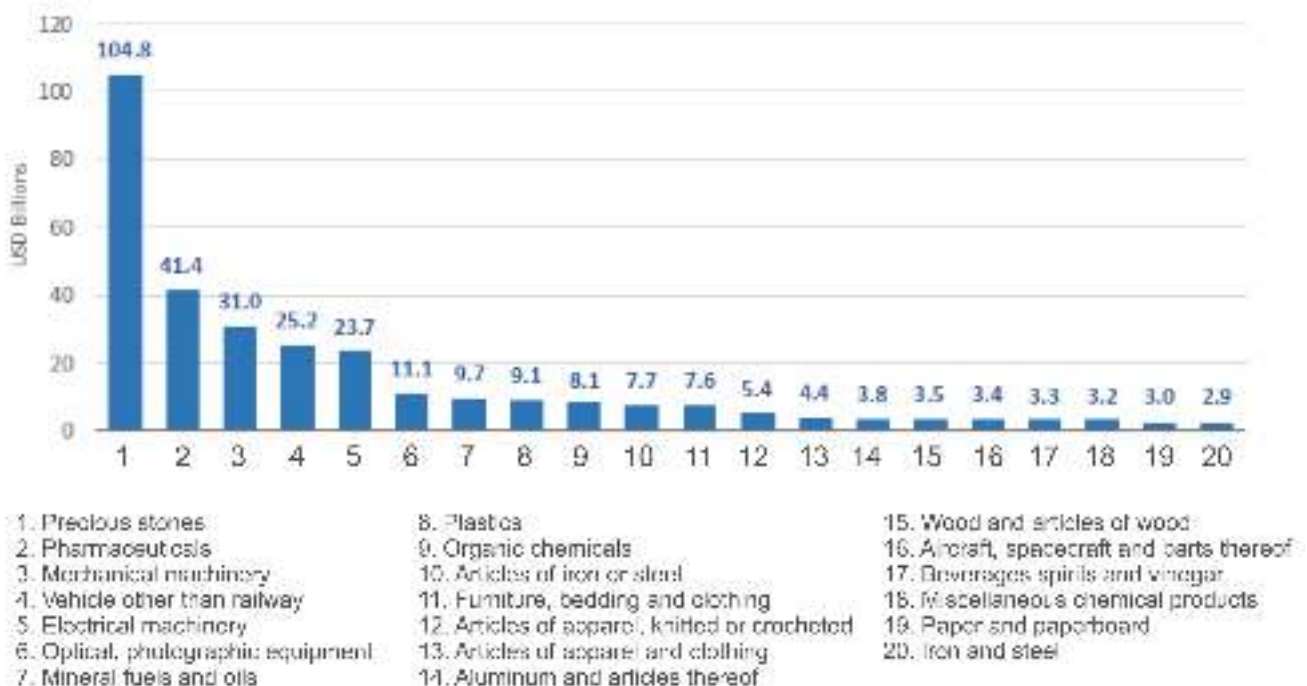
The European Free Trade Association, or the EFTA, is an intergovernmental organisation consisting of four European countries. The Association, which was formed in 1960, establishes a free trade zone to promote trade and economic integration between member states. The original members were Great Britain, Norway, Denmark, Austria, Portugal, Sweden, and Switzerland; however, the current members are Iceland, Liechtenstein, Norway, and Switzerland (EFTA, 2020).

The total value of trade in goods in EFTA countries was estimated at USD 800 billion in 2019, with exports at USD 422 billion and imports at USD 369 billion. The largest trader in the region was Switzerland, followed by Norway. Switzerland, which is the main

importer in the region, recorded over USD 277 billion in imports in 2019, which grew at a compound annual growth rate (CAGR) of 2% over the past 5 years. Norway, the second-largest importer in the region, had imports of USD 85 billion in 2019. Both Switzerland and Norway have a positive trade balance with the world, while Iceland has a negative trade balance of over USD 1 billion (ITC, 2020).

Imports in the region are dominated by precious stones with around 30% of the region’s jewellery manufacturing sector. Other import products include pharmaceuticals, mechanical machinery, vehicles, electrical machinery, optical equipment, etc. (see Figure 1).

Figure 1. EFTA top imports in 2019



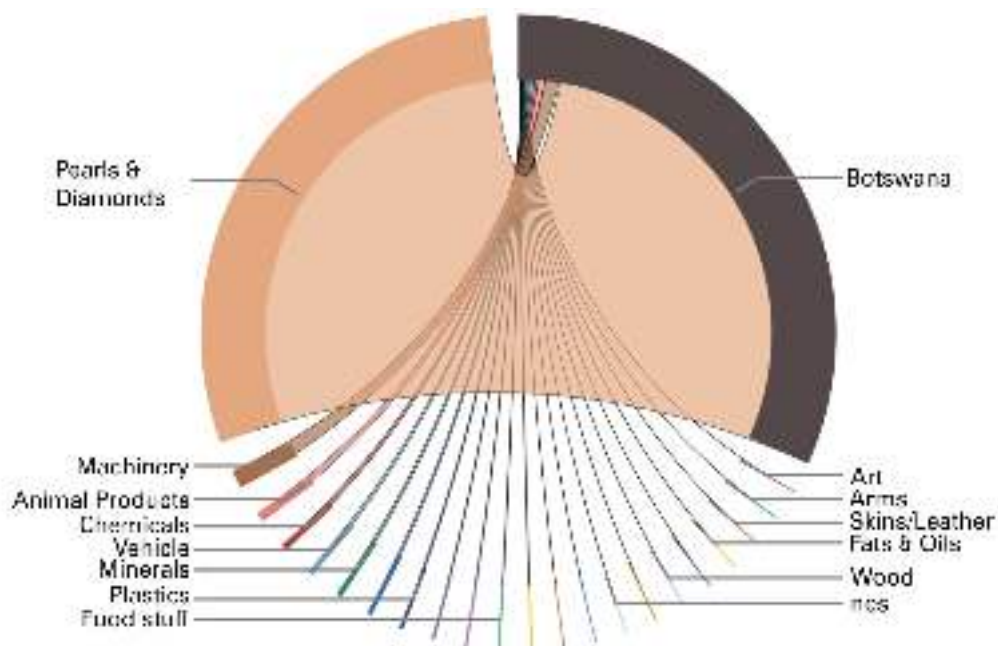
Source: ITC Trademap

2. Botswana and EFTA countries: Existing trade and opportunities

Around 91% of Botswana’s exports are precious stones or diamonds. Botswana’s total exports to the world in 2019 reached USD 5.2 billion, of which USD 4.7 billion were in precious stones/diamonds. The country also exports meat, with a value of USD 32.4

million, and electrical machinery, valued at USD 1.1 million (see Figure 2). This overdependence on diamonds is one of the reasons driving Botswana’s efforts to diversify the economy and its exports in particular.

Figure 2. Botswana’s export basket with the world, 2019

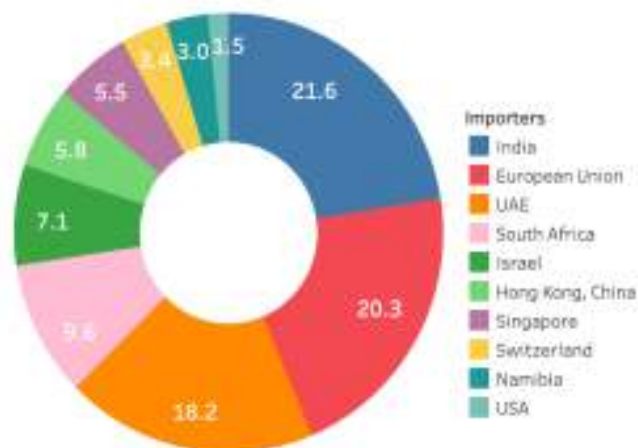


Source: IEC Trade Insights, based on UN Comtrade

Botswana is a party to the SACU-EFTA Free Trade Agreement, signed in 2006. Switzerland is Botswana’s seventh-largest export market, with exports amounting to USD 147 million in 2019, representing 2.5% of

Botswana’s total exports (see Figure 3). By comparison, Botswana imported only USD 13 million from Switzerland, giving the country a trade surplus of over USD 130 million.

Figure 3. Top Export destinations for Botswana’s Exports in 2019 (shares in percentage)

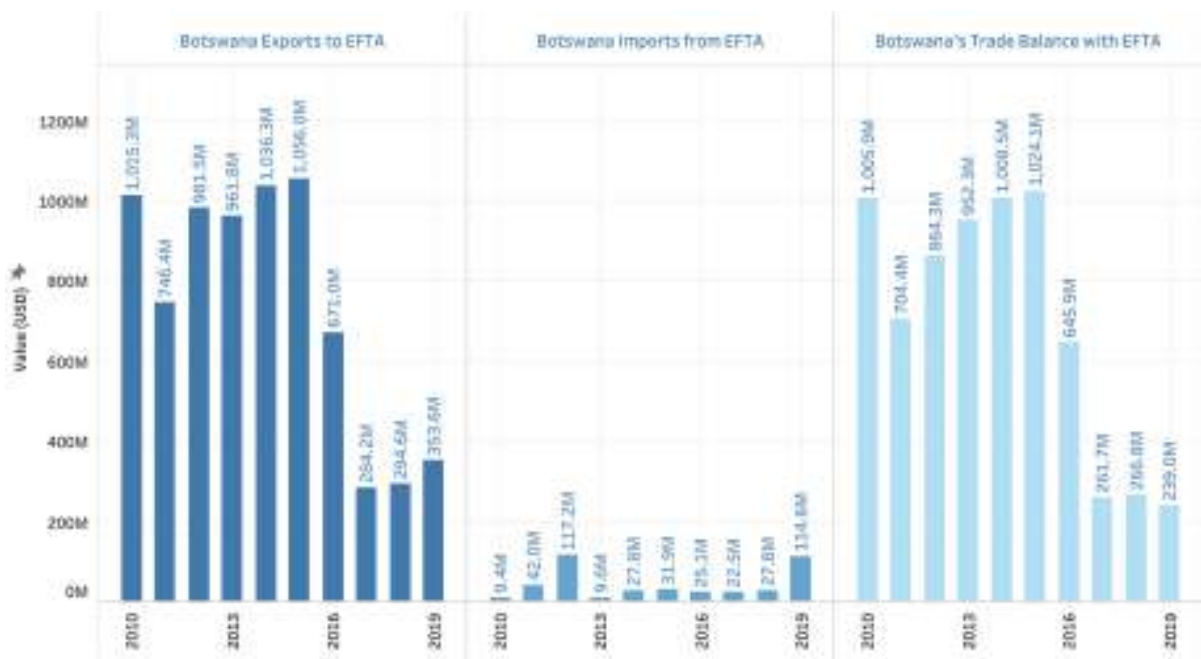


Source: ITC Trademap, 2021

Botswana's exports are mainly directed to Switzerland. Iceland has no recorded trade with Botswana between 2010 and 2019, while exports to Norway averaged at USD 226 million during the same period. Over the past 10 years, Botswana has maintained a trade surplus with the EFTA countries, driven by the huge diamond exports from

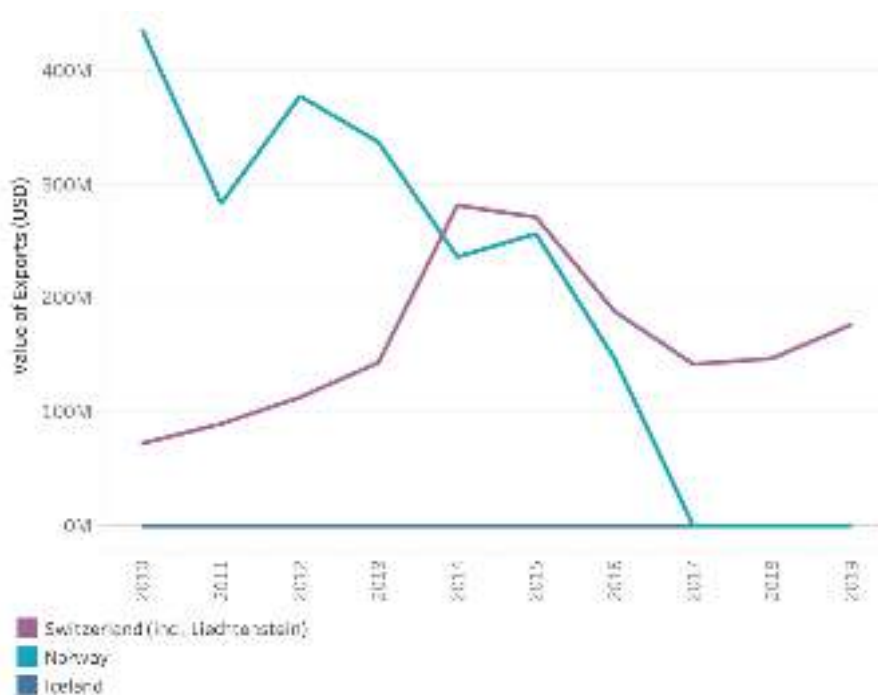
the country to Switzerland (see Figure 4). However, there has been a steady decline in Botswana's export to the region since 2016 due to declining exports to Norway. Exports to Switzerland peaked in 2014 and 2015 at around USD 300 million, after which exports fell to almost half and only picked up in 2018 and 2019 (see Figure 5).

Figure 4. Botswana's trade with the EFTA members, 2010-2019



Source: ITC Trademap.

Figure 5. Botswana's exports to EFTA members, 2010-2019



Source: ITC Trademap, 2021

On the product level, Botswana mostly exports diamonds to the region, the value of which amounted to USD 176 million in 2019. Other exports of optical equipment and furniture were negligible, at less than USD 100 thousand in 2019.

However, Botswana holds potential in terms

of exports. As shown in Table 1, six out of ten of the products (by HS chapter) most exported by Botswana are also products most imported by the EFTA, indicating the potential for Botswana to export these products to the EFTA markets.

Table 1. EFTA's top imports against Botswana's top exports

Product rank	EFTA's top 10 imports from the World in 2019		Botswana's top 10 exports to the World in 2019	
	HS Code	Product Label	HS Code	Product Label
1	'71	Precious Stones	'71	Precious Stones
2	'30	Pharmaceutical Products	'85	Electrical machinery
3	'84	Machinery, mechanical	'02	Meat
4	'87	Vehicles	'84	Machinery, mechanical
5	'85	Electrical machinery	'28	Inorganic chemicals
6	'27	Mineral fuels & oils	'87	Vehicles
7	'29	Organic Chemicals	'25	Salt
8	'90	Optical Equipment	'39	Plastics
9	'39	Plastics	'27	Mineral fuels & oils
10	'73	Articles of iron or steel	'72	Iron and steel

Source: ITC Trademap. Note: the cells highlighted in green indicate a match.

Aside from precious stones/diamonds, EFTA also imported USD 32.2 billion worth of mechanical machinery, USD 23.9 billion worth of electrical machinery, which are also products most exported by Botswana. Other products include vehicles, mineral fuels and oils, and plastics.

Botswana's National Export Strategy of 2019-2024 recognises arts and crafts, garments and textiles; jewellery and semi-precious stones, leather and leather products, meat and meat products, light manufacturing, and indigenous products as the priority export sectors (ComSec & MITI, 2019). Among these, the below sectors hold immense potential in terms of exports to EFTA markets:

■ **Garments and textiles:** The EFTA has a strong, continuously growing apparel

market. It is home to some of the world's biggest apparel companies. In 2019, EFTA members imported around USD 18 billion worth of apparel and textiles, growing by 5% yearly from 2015 to 2019. The biggest market within EFTA for apparel and textiles is Switzerland, followed by Norway. Botswana has more than USD 1.4 million of estimated untapped export potential in garments and textiles to EFTA countries, mainly to Norway (ITC, 2021).

■ **Meat and meat products:** The market for meat and meat products in EFTA countries is significant. In 2019, EFTA member countries imported over USD 973 million worth of meat and meat products. According to ITC's export potential map, there exists an untapped export potential of more than USD 400 thousand from Botswana to Switzerland (ITC, 2021).

3. The SACU-EFTA Free Trade Agreement

3.1. Introduction to the FTA

On June 26, 2006, the European Free Trade Association (EFTA)¹ comprising of Iceland, Liechtenstein, Norway, and Switzerland on the one hand, and the Southern African Customs Union (SACU) comprising of Botswana, Eswatini (formerly Swaziland), Lesotho, Namibia, and South Africa on the other hand, signed a Free Trade Agreement (FTA) to establish the framework for trade relationship among members of the two blocs. Entering into force on 01 May 2008, the agreement covers trade in goods and lays the foundation for a further engagement of the Parties with regard to intellectual property, investment, trade in services, and public procurement (EFTA, n.d.).

As a contracting party to the agreement, Botswana enjoys a number of benefits which include:

- Exports of most industrial goods from Botswana can access the EFTA markets duty-free, quota-free (see more details in section 3.2.1). This means, if market forces permit, exporters can export as much as they like without having to incur any costs regarding tariffs or any restrictions on the quantity to be exported, as long as the standards and quality are met as per FTA rules and requirements.
- Trade in basic agricultural products is covered by bilaterally Agricultural Agreements concluded between each EFTA State and the SACU. These agreements, which form part of the instruments establishing the free trade area, give Botswana, as well as other SACU member states, improved preferential treatment into the EFTA markets, going beyond the existing Most Favoured Nation (MFN) and Generalized System of Preferences (GSP) regimes provided by the EFTA.

Figure 6: EFTA-SACU FTA Member States



- Provisions on Rules of Origin (RoO) allow for the use of up to 60% of non-originating input in the production of certain products, as well as provisions for mutual administrative assistance in customs matters (see more details in section 3.2.2).
- Exceptional safeguard measures can be adopted by SACU countries to protect their respective infant industries with regard to the importation of large quantities of products that may harm or distort the country's local market.

¹ As the EFTA is a free trade area, the member states do not share a common customs tariff (a single external tariff applied by all members) against third countries – i.e., each EFTA states maintain their own customs tariff applicable to trade partners.

3.2. Specific Rules

3.2.1. Elimination of Customs Duties

The traditional objective of FTAs is the elimination of customs duties and other protectionist measures among signatories. This is reflected in the concession schedule: the EFTA states assigned zero duties on eligible imports of originating products from all SACU countries as of the entry into force of the agreement, while the SACU countries only reduced their respective level of customs duties on EFTA-originated imports on a gradual basis over nine years.²

Industrial goods

According to the agreement, most industrial goods, including fish and other marine products from Botswana, will benefit from duty-free access to the EFTA markets upon the date of entry into force of the Agreement. A number of products are precluded from this duty-free commitment, such as certain products under HS35 (albuminoidal substances; modified starches, glues; enzymes) and HS38 (miscellaneous chemical products) as specified under Annex II (Industrial Products not covered by the agreement). Some exceptions are also provided to maintain customs duties by Switzerland, including the territory of the Principality of Liechtenstein.³

Agricultural Products

Trade in processed agricultural products is covered in Annex III to the main Agreement, while trade in basic agricultural products is covered by arrangements concluded bilaterally between each EFTA States and SACU. These Agricultural Agreements form part of the instruments establishing the free trade area between the EFTA States and SACU.

For **trade in processed agricultural products**, the Agreement provides duty-free market access for over half of the products (HS-4-digit level) as listed in the Table to Annex III (the detailed list of products differs among the EFTA states). The duty levied upon import, where applicable, shall be based on, but not exceeding, the difference between the domestic price and the world market price of the agricultural raw materials incorporated into the products concerned. The EFTA States also commit that they shall accord for products originating in SACU treatment no less favourable than that accorded to the European Union.⁴

Trade in basic agricultural products is governed by three arrangements concluded bilaterally between each EFTA State and SACU, the detailed commitments are as follows:

- **Iceland** commits to grant tariff concessions to agricultural products originating in SACU, with approximately 75% of all agricultural products at HS 6-digit level⁵ free from import duty (as specified in Annex 2 to the Agricultural Agreement between the SACU States and Iceland).
- **Norway** commits to grant tariff concessions to agricultural products originating in SACU, with approximately 57% of all agricultural products at HS 6-digit level⁶ free from import duty (as specified in Annex 1 to the Agricultural Agreement between the SACU States and Norway).

Under the Protocol on Beef to this agreement, Norway further agrees to eliminate all customs duties, including ad-valorem

² Article 8 (Customs Duties), Annexes IV and VII of the Free Trade Agreement between the EFTA States and the SACU States.

³ Exceptions are provided for part of headings/sub-headings 15.04, 15.16.10 (Fats and oils for human consumption), 23.01.10, 23.01.20, and 23.09.90 (Feedingstuffs for production animals). See Article 3, Annex IV to the EFTA-SACU FTA.

⁴ See Articles 1 and 2, Annex III to the EFTA-SACU Agreement.

⁵ Calculated based on ITC MacMap data for Effectively applied tariff at HS 6-digit level.

⁶ Calculated based on ITC MacMap data for Effectively applied tariff at HS 6-digit level.

duties, applicable to beef originating in Botswana and Namibia (HS headings 02.01 and 02.02) with a quota of 500 tons per calendar year. Exports of beef originating from Botswana exceeding the above-mentioned quota will be subject to between 10% to 15% ad-valorem equivalent (AVE) (depending on specific tariff lines).

■ **Switzerland** commits to grant tariff concessions to agricultural products originating in SACU, with approximately 53% of all agricultural products at HS 6-digit level⁷ free from import duty (as specified in Annex II to the Agricultural Agreement between the SACU States and Switzerland).

3.2.2. Rules of Origin

As per Annex V on Rules of Origin, the EFTA-SACU FTA provides for quite liberal rules of origin which allows for products to be manufactured from non-originating materials of up to 60% of the ex-works price and still obtain originating status. The agreement, however, only allows for bilateral cumulation but not diagonal cumulation as in the case of the EU-SADC EPA. The specific rules used to determine the extent to which different products will benefit from the FTA preferential status are detailed below:

(a) Wholly Obtained Products

If stated as 'wholly obtained products', the FTA requires that the products must be entirely obtained and/or sourced in the EFTA or SACU states, in order to be considered as originating products. The different criteria of such goods are elaborated in Annex V under Article 4, the details of which are similar to the EU-SADC provisions.

Example: Diamonds emanating from Botswana being exported to Norway, as it is without any further processing, is regarded as 'wholly obtained'.

(b) Sufficiently worked or processed:

Products that are not wholly obtained in a SACU or EFTA state can still qualify for the

preferential market access under the FTA if these are "sufficiently worked or processed" in the territory of the parties to the agreement to obtain the originating status. This requirement means that a product can obtain preferential access on the condition if it undergoes a specific working or process or a number of workings or processes during its manufacture as specified in Appendix 2 ('List Rules') of Annex V to the FTA. Similar to the RoO under other FTAs, the list rules under EFTA-SACU FTA can be classified under three criteria to determine sufficient working or processing:

■ **Value percentage.** The list rules of the FTA set out different thresholds (percentage) by which the value of the non-originating materials (i.e. imported materials from countries that are not a party to the FTA) should not exceed the ex-works price of the finished product. In some cases, the rules allow for the use of up to 60% of non-originating input in the production of certain products

Example: The rule for Product HS-7101 (Natural or cultured pearls, graded and temporarily strung for convenience of transport) requires that in order to obtain originating status, the value of all the non-originating materials used must not exceed 50% of the ex-works price of the product.

■ **Change in tariff classification.** Under this rule, the finished product obtains originating status if the non-originating materials used have a different HS tariff heading or subheading from one of the finished goods. **Example:** Wood (HS 44) imported from Indonesia used to manufacture a wooden table (HS 94). That change in product code reflects a transformation in the original product – from wood to a table. According to the rule for chapter 94, "Manufacture in which all the materials used are classified within a heading other than that of the product", the product is considered to qualify to obtain preferential access under the FTA.

⁷ Calculated based on ITC MacMap data for Effectively applied tariff at HS 6-digit level

■ **Product-specific rules (PSR)**, which indicate specific criteria to be fulfilled, or a particular process to be used in order for the finished product to obtain the originating status.

Example: The rule for cotton fabrics classified under heading 5806 is to “manufacture from cotton yarn and printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling)”.

Additionally, in many cases, a **combination** of the above-specified rules can be applied for products to obtain originating status.

Example: The rule for Product HS-6402 (Footwear with outer soles and uppers of rubber or plastics) requires that in order to obtain originating status, products must be manufactured from materials of any heading, except that of the product (‘change in tariff classification’ rule); however, uppers or parts thereof, other than stiffeners, of heading No 6406 may be used; and in which the value of all the materials used does not exceed 60% of the ex-works price of the product (‘value percentage’ rule).

Insufficient Working or Processing. Economic operators should pay close attention to the criteria of “Insufficient Working or Processing” which, whether carried out individually or in a combination of processes, will result in the products not being able to qualify for the preferential benefits under the SACU-EFTA FTA. Article 6 of Annex V lists out all the possible processes or operations that are classified as “Insufficient Working or Processing”.

Example: Imported fruits such as oranges or bananas from a non-SACU or non-EFTA state, and undergo sorting, packaging, and labelling processes in Botswana before exporting, will not be qualified to obtain the originating status under the SACU-EFTA

FTA. Another example may be precious stones (such as ruby or sapphire) imported from outside of SACU into Botswana to undergo sharpening, simple grinding, or simple cutting will again be disqualified from achieving the original status under the FTA.

The EFTA-SACU FTA also provides additional flexibility to rules of origin, including tolerance and cumulation.

■ **Tolerance (or de minimis)** rule under the EFTA-SACU FTA allows non-originating materials of up to 15% of the product’s ex-works price to be used in the production of the good without affecting its originating status. However, this tolerance cannot be used to exceed any threshold of maximum non-originating materials expressed in value listed in the product-specific rules (for example, the 40% value-added percentage), nor be applied to textiles and clothing (chapters 50-63), which are subject to their specific rules.⁸

■ **Cumulation.** The EFTA-SACU FTA allows for bilateral cumulation, that is, materials originating in an EFTA State or SACU state shall be considered as materials originating in the Party concerned, provided that they have undergone sufficient working or processing. It is noteworthy that the EFTA-SACU FTA does not allow for diagonal cumulation, i.e., Botswana cannot use products originating in a third country other than the EFTA-SACU states and with whom it has a free trade agreement, without the final good losing its originating status.

Example: A Botswana producer imports USD 45 of fabric materials to produce a coat (HS60201) and sells at USD 100 per piece. The rules for product HS6201 states that the “Manufacture from materials of any chapter, except that of the product, provided that the value of the non-originating fabric used does not exceed 50% of the ex-works price of the product. For products only cut (or knit to shape) and sewn, both the cutting

⁸ Article 5.2, Annex V, EFTA-SACU FTA

(or knitting to shape) and sewing or an assembly in another way must be completely made in the parties". If the materials are originating in the EFTA or SACU, the finished coat will be qualified as having originated in Botswana under the EFTA-SACU FTA. On the contrary, if the materials are originating from outside of SACU, for example, Mozambique, the finished product shall not qualify for preferential market access under this agreement.

3.2.3. Other Provisions

The EFTA-SACU FTA comprises of a 44 article main agreement, 8 annexes, and 3 bilateral Agricultural Agreements which form part of the instruments establishing the free trade area. This section aims to provide a short overview of the key sections (other than the one discussed above) relevant for Botswana's exporters, which include: (i) Sanitary and Phyto-Sanitary (SPS) and Technical Barriers to Trade (TBT); and (ii)

Trade remedies.

Sanitary and Phyto-Sanitary (SPS) and Technical Barriers to Trade (TBT)

The EFTA-SACU FTA refers to the multilateral agreements by the World Trade Organisation (WTO) as the relevant instruments governing the rights and obligations of the Parties with respect to SPS and TBT measures. The agreement further aims to strengthen cooperation in SPS and TBT with a view to increasing the mutual understanding of the signatories' systems and facilitating access to their respective markets, as well as promoting the adoption of international standards, international harmonization of technical regulations, accreditation of conformity assessment bodies, and mutual recognition of conformity assessment results. Consultation, either within or outside the framework of the Joint Committee,⁹ is agreed as a method for resolving any matter arising from the application of SPS/TBT measures.

Box 1. What are TBT and SPS Measures?

TBT measures refer to those technical regulations, standards, and conformity assessment procedures that products must meet in order to be able to be sold in a given country. The purpose of these requirements may be the protection of life or health, the protection of the environment, the prevention of deceptive practices or to ensure the quality of products, and can adopt the form of labelling requirements, packaging, information, production processes, etc.¹⁰

SPS measures are those requirements put

in place in governments to ensure that food is safe for consumers, and to prevent the spread of pests or diseases among animals and plants. These measures can take many forms, such as requiring products to come from a disease-free area, inspection of products, specific treatment or processing of products, setting of allowable maximum levels of pesticide residues, or permitted use of only certain additives in food. SPS measures apply to domestically produced food or local animal and plant diseases, as well as to products coming from other countries.¹¹

Trade Remedies

The EFTA-SACU FTA continues referring to the WTO relevant multilateral agreements

governing the rights and obligations of the Parties with respect to trade remedy measures, i.e., subsidies, anti-dumping, and

⁹ The Joint Committee is established under Article 33 of the Agreement, comprising of representative from each signatories and in charge of supervising and administering the implementation of the Agreement.

¹⁰ For more information on TBT measures, please visit WTO – Technical Barriers to Trade: https://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm

¹¹ For more information on SPS measures, please visit WTO – Sanitary and Phytosanitary Measures: https://www.wto.org/english/tratop_e/sps_e/spsund_e.htm

safeguards. Safeguard measures are provided in greater detail under the Agreement to serve as a 'safety valve' for domestic industry and agricultural sector against injury or threat thereof caused by surging imports.

The agreement foresees a set of options to adopt safeguard measures under different situations: (i) Bilateral Safeguard as an emergency action, (ii) Agricultural Safeguard, (ii) Exceptional Measures in Case of Structural Adjustment, and (iv) Special Treatment for Botswana, Lesotho, Namibia and Swazi-

land (BLNS). As a rule of thumb, the condition to give rise to the adoption of safeguard measures is that a product is being imported into the territory of the Concern Party in such **increased quantities**, absolute or relative to domestic production, as to cause or threaten to cause serious injury to the domestic industry that produces like or directly competitive products. The detailed specifications and applicability of different safeguards provided under the EFTA-SACU FTA are as below:

Table 2. Safeguard measures in the SACU-EFTA FTA

	Bilateral safeguard	Agricultural safeguard	Structural Adjustment	BLNS Safeguard
Beneficiary	All parties	All parties	SACU FTA States	Botswana, Lesotho, Namibia, and Swaziland
Coverage	All products	Agricultural products	Infant industries or sectors undergoing restructuring	Infant industries
Measure	<ul style="list-style-type: none"> • Suspension of further reduction of any applicable rate of duty provided for under the FTA for the product concerned; or • Increase of the rate of duty for that product 	<ul style="list-style-type: none"> • Increase of the import duty on the product in question to a level not higher than the MFN applied rate • Introduction of a tariff quota for preferential trade, based on historical trade volumes for the five preceding years, excluding the import surge volumes 	<ul style="list-style-type: none"> • Increase or reintroduction of customs duties, not exceeding the applied MFN rates, with an element of preference for products originating in the EFTA States; to be imposed on a maximum of 15% of total imports from the EFTA States during the last year for which statistics are available 	<ul style="list-style-type: none"> • Temporary duties on imports • Temporarily restrict the importation or exportation of goods for purposes of rural development, food security, and poverty alleviation
Duration of the measure	<ul style="list-style-type: none"> • One (01) year • Maximum three (03) years in very exceptional circumstances • Six (06) months for provisional measures 	<ul style="list-style-type: none"> • One (01) year 	<ul style="list-style-type: none"> • Four (04) years • Cease to apply at the latest on the expiry of the maximum transitional period of nine years, unless extended by the Joint Committee 	<ul style="list-style-type: none"> • Eight (08) years*

*According to Article 26 of the SACU Agreement 2002. Source: Author's compilation

4. General Export Procedures

To benefit from exporting to EFTA countries, exporters in Botswana must follow a set of procedures, including complying with (1) local laws and regulations that govern the export process in Botswana, and (2) laws and regulations that govern imports in EFTA countries. These are outlined below.

4.1 Comply with Botswana's export requirements

Business registration

Any trader that is considering exporting from Botswana is required to first register a company in Botswana. It is a statutory requirement that every business operating in Botswana is registered and fully incorporated. This registration is important for businesses and export-related transactions as it demonstrates the credibility and legality of the entity. The business registration process in Botswana is managed by the Companies

and Intellectual Property Authority (CIPA) within the Ministry of Investment, Trade and Industry. The process is further described in Annex 1 of this Guide.

Obtain export licences

Certain goods require export licences to be obtained from relevant government agencies. A list of products and required supporting documents and information is provided at the Botswana Trade Portal. Further clarification on the product lists and procedures can be sought from the Botswana Unified Revenue Service (BURS) or on Botswana Trade Portal.

Registration with BURS

Any trader wishing to export under trade agreements must register with BURS through Regional Offices (Customs Services Division)) (BITC, n.d.).

Box 2. Application to export under trade agreements

Information to be included in the application letter addressed to Commissioner General are:	alities
<ul style="list-style-type: none">■ The trade agreement you wish to export under■ Country of importation■ Name of the exporting company■ Physical address of the exporting company■ Contact details: production manager's telephone number, fax number and email address.■ Names of directors and their nation-	<ul style="list-style-type: none">■ List of products intended for export, under the agreement, including tariff codes■ List of raw materials used and their tariff codes■ State the origin criteria of your products
	Attachments to the application letter
	<ul style="list-style-type: none">■ Sketch Plan showing the factory layout and machinery used■ Certificate of incorporation■ A detailed step-by-step manufacturing process of the goods intended for export

Prepare and obtain export documents

Documents and authorizations required for export transactions include:

Commercial Invoice, which is the bill for the products from the seller to the buyer. It is required for most exports. The buyer needs the invoice to prove ownership and arrange payment. It may also be used for the transaction of goods not intended for further sale,

returned products, and goods intended only for temporary import, among others.

Bill of Lading (B/L), which is a contract between the owner of the products and the carrier. There are two types of B/L, namely: (i) A straight bill of lading, which is non-negotiable, and (ii) A negotiable/ shipper's order bill of lading, which can be bought, sold, or traded while goods are in transit and is

used for letter-of-credit transactions. The buyer usually needs a copy of the bill of lading as proof of ownership to take possession of the goods. For air carriers, the transport document is known as airway bill.

Export-Packing List, which specifies the material in individual packages and shows their net, legal, tare, and gross weights. The export-packing list is normally attached to the outside of the package in a clearly marked waterproof envelope. It is a useful document for customs officials who use it to check consignments at inspection points.

Certificate of Origin (C/O), which ensures that products originating in certain countries get the preferential treatment to which they are entitled. The SACU-EFTA FTA countries use the Movement Certificate EUR 1 as the applicable Proof of Origin (i.e., C/O) form under the SACU-EFTA FTA. The form is provided in Appendix 3 of Annex V to the FTA, and a sample of the form is provided in Annex 5 to this Guide.

4.2 Comply with EFTA Countries Laws and Requirements

Iceland, Liechtenstein, and Norway are members of the European Economic Area (EEA), an economic community established under the EEA Agreement that enables the three EFTA states to participate fully in the EU Single Market. All relevant EU legislation in the field of the Single Market is integrated into the EEA Agreement so that it applies throughout the whole of the EEA, ensuring uniform application of laws relating to the Single Market. The EEA Agreement covers the four freedoms, i.e., the free movement of goods, services, capital, and persons, as well as certain horizontal and flanking policies such as consumer protection, company law, environment, social policy, statistics, etc. (EFTA, 2013). Though not being a member of the EEA, Switzerland still benefits from an observer status in the EFTA pillar of the EEA. It has also negotiated a series of bilateral sectoral agreements which facilitate Switzerland's adoption of various provisions

of European Union law in order to participate in the EU Single Market (FDFA, 2021). As a result, several requirements related to import and export of the EFTA States are synchronised with the EU regulations.

More details of the relevant requirement related to exports to the EFTA States are provided below, while the common documentation for export/import as with the EU are provided in Annex 2, and detailed product-specific requirements are provided in Annex 4.

Additional documentation requirements can differ depending on the specific country and product, information of which can be found on the website of customs offices and/or trade helpdesks as provided in this guide.

ICELAND

Customs Procedures & Documentation

The procedure for importation into Iceland starts with a cargo manifest submitted to Customs as the goods arrive. This manifest is then used for customs clearance control. To clear imported goods, an entry form has to be filled out, signed, and handed over to Customs, along with the following documents:

- Bill of Lading or other transport documents (e.g., seaway bill, airway bill).
- Commercial invoice, or similar information if an invoice is not available (see Box 3).
- Bills/invoices covering the cost of delivery if not stated in the commercial invoice, such as freight, packing, insurance, and forwarding charges and fees
- Certificate of origin when the goods are eligible for preferential treatment under the FTA
- Other documents concerning the imported goods which are of relevance to their customs treatment, e.g., an import licence when required, a confirmation of authorization for special customs treatment when such is the case, or other certificates required in special circumstances.

Customs clearance can be done electronically via the EDI system, covering all importation aspects, from the calculation of duties, manifest/inventory control, statistics, to accounting and other fact-finding and control

mechanics. More information on Iceland's custom procedures, as well as documentation requirements and forms can be found at the website of the Iceland Revenue and Customs office at <https://www.tollur.is/>

Box 3. Invoice elements for imports into Iceland

Invoices for consignments shall contain the following information:	
<ul style="list-style-type: none">■ name and address of the seller, ie. consignor■ name and address of the buyer, i.e. consignee■ place and date of issue of the consignment■ date of sale of the consignment■ number of pieces, type of packing, weight of the consignment	<ul style="list-style-type: none">■ detailed description of the goods in terms of the goods contained in a consignment, type, make, and quantity■ the selling price of individual articles and the currency in which the price is specified■ details on payment, such as terms of payment, payment conditions, and delivery conditions, discounts, etc.
	Source: Iceland Revenue and Customs, 2021

Imports of food products

Iceland is not a member State of the European Union but is one of the Contracting Parties to the European Economic Area (EEA) – an agreement between the EFTA States and the EU Member States. Consequently, Iceland is implementing the EU legislation on foodstuffs, veterinary matters, feed, and other food chain-related issues. The Icelandic Food and Veterinary Authority (MAST) is the Competent Authority (CA) in Iceland in the field of food safety, animal health and welfare, control of feed, seed and fertilizers, plant health and water for human consumption. Guidance on requirements and documentation for import of **agricultural products, feed, plants, fishing equipment, or riding equipment** is provided at the MAST official website at <https://www.mast.is/en>.

For example, animal products imported to Iceland from non-EA countries should follow the guidance provided by MAST. Overall, the main conditions for the import of animal products from third countries to Iceland are as follows:

- The product shall be produced in an

EU-approved establishment and labelled with the EU approval number

- An original copy of the health certificate for the EU market, issued by the competent authority in the exporting country, or a captain's declaration when landing from a third-country vessel, must accompany the consignment

- The import shall be notified through Traces with at least a 24-hour notice before the physical arrival to EEA territory. The importer is responsible for the notification but may seek the help of their courier

- The consignment must be presented at an approved border control post

- The importer is responsible for the import costs according to the MAST tariff

- Special import conditions for raw meat/animal products in Iceland (refer to guidance notes)¹³

Labelling requirements

Product labelling requirements of different product categories are subject to the regulation by different competent authorities, such as the MAST for food products, the Icelandic Medicines Agency for medicinal prod-

¹³The Guidance notes for importing meat and dairy products to Iceland from 3rd countries is available at <https://www.mast.is/en/import-export/import-of-animal-products#import-from-noneea-countries-3rd-countries>

ucts, or the Iceland Construction Authority for electronics products.

Iceland is a part of the EU Single Market through the EEA Agreement. As a result, product labelling in the interest of consumers and compliance procedures must follow the labelling and information directives of the European Council, in addition to local and national regulations.¹⁴ For example, product labels for foods must be in Icelandic, English, or another Nordic language other than Finnish. A retail-size food package must show the origin of the product, name of the manufacturer, packer or importer, net weight or volume, ingredients, last recommended date of consumption, and storage instructions if perishable.

NORWAY **Customs Procedures & Documentation**

The importers, either by themselves or through forwarding agents, are responsible for ensuring that the import and customs clearance is carried out in accordance with the regulations. The legislation covering customs is the Act on Customs Duties and Movement of Goods (Customs Act) 2007 and Regulations to the Act on Customs Duties and Movement of Goods (Customs Regulations) 2020. Relevant Norwegian customs regulations can be found at the Norwegian Customs website at <https://www.toll.no/en/services/regulations/>.

The customs clearance procedure for imported products into Norway can be carried out through either of the two following

channels:

(i) Electronic system for exchanging customs declarations (TVINN).

TVINN can be used by all importers, exporters, and forwarding agents. To obtain permission to submit customs declarations electronically, the organisation must fulfill the conditions set by Norwegian Customs, which include:

- Identification number (Nodi number), which can be obtained by sending a request to Norstella, Norway's non-profit foundation facilitating digital interaction between the public and private sectors
- Software suitable for the electronic submission of customs declarations to TVINN, and
- A network provider approved by Norwegian Customs.

All applications for electronic submission of customs declarations are handled by the Movement of Goods Division of the Norwegian Customs department. Detailed information on customs declaration using TVINN is provided on the Norwegian Customs' website.¹⁸

(ii) Physical filing of customs clearance of goods using the Single Administrative Document (SAD) form (see more information in Annex 2). A complete SAD can be submitted through a physical meeting with Norwegian Customs along with all necessary documents such as invoices, shipping documents, and any permits and the like. Guidance on how to import into Norway given by the Norwegian customs is provided on the Norwegian Customs website.¹⁹

¹⁴ The Summaries of EU Legislation on Product Labelling and Packaging can be found at <https://eur-lex.europa.eu/summary/chapter/0905.html>. Food information and labelling legislation can be found at <https://eur-lex.europa.eu/summary/chapter/3010.html>

¹⁵ According to Regulation No. 1294/2014 on the dissemination of food information to consumers and its amendments, available at <https://www.reglugerd.is/reglugerdir/eftir-raduneytum/atvinnuvega--og-nyskopunarraduneyti/nr/19539>

¹⁶ Detailed information for food product labelling requirements is provided at <https://www.mast.is/is/matvaelafyrirtaeki/merkingar/almennar-merkingar>.

¹⁷ Available at <https://en.norstella.no/nodinummer>

¹⁸ Available at <https://www.toll.no/en/corporate/import/declaration-of-goods-into-norway/declaration-using-tvinn/>

¹⁹ Norwegian Customs (2021). Import Guide for Beginners. Available at <https://www.toll.no/en/corporate/import/import-guide-for-beginners/>

Labelling requirements

Norway is a part of the EU single market through the Agreement on the European Economic Area. As a result, product labelling in the interest of consumers and compliance procedures must follow the labelling and information directives of the European Council, in addition to local and national regulations.²⁰

SWITZERLAND AND LIECHTENSTEIN²¹

General requirement

The requirements and their corresponding documents for goods imported into Switzerland vary depending on the type of product in question and subject to the oversight of different competent agencies. Generally, two different scenarios apply for products

to be placed on the market in Switzerland:

- If a product falls under the scope of a mutual recognition agreement contracted by Switzerland – as is the case with the EU, EEA/EFTA, Turkey, and Canada – or the “Cassis de Dijon principle”, the placing on the market follows the rules of the mentioned agreements and Chapter 3a of the Law on Technical Barriers to Trade respectively, which both simplify the placing of goods in Switzerland.

- If the product does not fall under the above preferential scope, nor is it covered by the “Cassis de Dijon principle”, it must comply with the Swiss technical regulations in order to be placed on the Swiss market (SECO, 2021).

Box 4. The Cassis de Dijon principle

The “Cassis de Dijon principle” stipulates that a product which complies with the technical regulations of the EU, a member state of the EU or that of the EEA, and is legally placed on the market in one of these member states, may in principle be placed on the Swiss market without any further

controls (Art. 16a of the Law on Technical Barriers to Trade). Exceptions to the principle are only possible when overriding public interests are at stake. Additionally, the Negative List indicates all products excluded from the “Cassis de Dijon principle”. Source: (SECO, 2019)

Many agricultural products require “**general import permits**” (GIPs). The GIPs are issued by the Federal Office for Agriculture (FOAG) upon applications from natural and juristic persons as well as companies that are resident or have their head offices on Swiss soil. They are issued without charge, are valid indefinitely, and are not transferrable. Goods such as meat, herbs, fruits, vegetables, potatoes, and dairy products may be subject to tariff rate quotas, and obtaining a GIP is a **prerequisite** for a producer to be eligible for inclusion in the quota (FOAG, 2020). Animals and animal products must be inspected by the veterinary border service on im-

port or during transit (FSVO, 2020). Some plants and plant products require a plant passport issued by the FOAG, or even an import permit which is granted by the Food Safety and Veterinary Office (FSVO) in the case of protected plants. Imported food must comply with applicable Swiss food regulations which are enforced by the FSVO (FSVO, 2020).

Information pertaining to import regulations of an array of industrial products (such as transportation equipment, machinery, chemicals, and medical equipment), cosmetics, weapons, pyrotechnics, and precious met-

²⁰ The Summaries of EU Legislation on Product Labelling and Packaging can be found at <https://eur-lex.europa.eu/summary/chapter/0905.html>. Food information and labelling legislation can be found at <https://eur-lex.europa.eu/summary/chapter/3010.html>

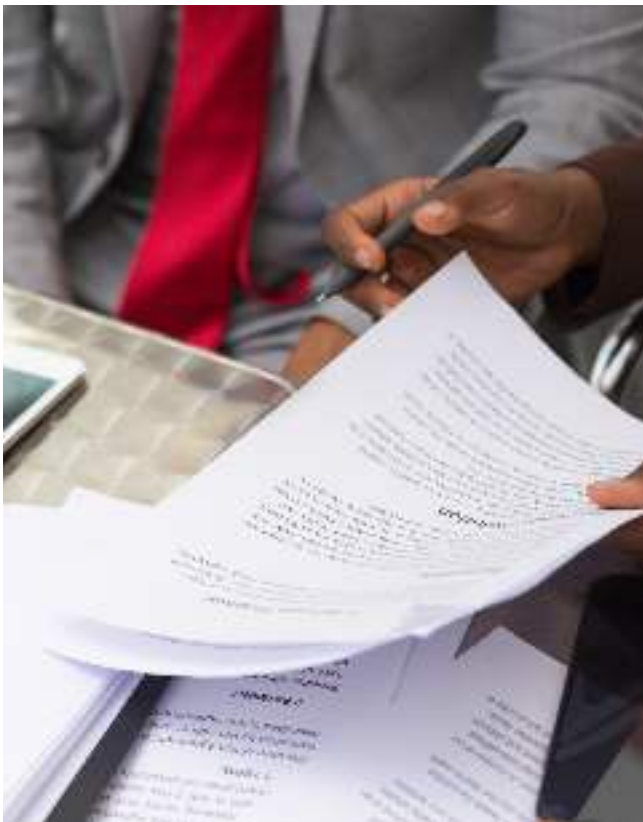
²¹ Liechtenstein participates in a customs union with Switzerland, so it shares external trade policy with Switzerland. Additionally, the country is also a member of the European Economic Area, and therefore, like Iceland and Norway, adopts much of the EC’s regulations, including the regulation on product labelling.

als can be obtained through the State Secretariat for Economic Affairs (SECO) "Import Platform."²²

Customs Procedures & Documentation

In Switzerland, customs law essentially comprises of the Customs Act of 18 March 2005, the Customs Ordinance, the Customs Ordinance of the Federal Department of Finance, and the Customs Ordinance of the Federal Customs Administration.

Goods imported into Switzerland, as well as all those in transit through the country, must be declared to the Swiss Federal Customs Administration (FCA) via a written form or online. In order to electronically declare and clear goods, economic operators²³ must be registered with the **customs client administration-UID**. Guidance for registering is provided on the FCA website at [https://](https://www.ezv.admin.ch/)



www.ezv.admin.ch/.²⁴ Declaration then can be done using **e-dec**, which is Switzerland's central cargo processing product to declare goods for importation, transit, or exportation electronically. Some of the features are:

- **e-dec application**
- **e-dec web** which allows web-based customs declarations
- **e-dec easy** for small consignments which are duty-free but subject to VAT with a simplified import customs declaration
- **E-accompanying document** application which allows users to send accompanying documents for an e-dec customs declaration electronically.

For customs clearance, the following documents should accompany the products:

- Invoices
- Certificates of Origin
- Authorizations/Certificates
- Official confirmations
- Analysis certificates

Depending on the circumstances, the following documents might be useful:

- Delivery notes
- Cargo manifests
- Weight certificates
- Assessment instructions

Labelling requirements

While not being a member of the EEA Treaty, Switzerland signed a bilateral agreement on mutual recognition in relation to conformity assessment with the EU. In Switzerland, the Federal Act on Product Safety seeks to guarantee the safety of products and reduce technical trade barriers by harmonizing Swiss legislation with that of the European Union. Generally, labelling and marking requirements follow EU regula-

²² For more details, see https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/Technische_Handelshemmnisse/Importplattform0.html

²³ In this guide, economic operators collectively refer to exporters, importers, customs clearance agencies, freight forwarders, or logistics companies, depending on the context, who handle the relevant procedures as discussed.

²⁴ For more details, see <https://www.ezv.admin.ch/ezv/en/home/customs-declaration/declaration-companies/zollkundenverwaltung-uid.html>

tions. Labelling should be made in one or more of Switzerland's four main languages (German, French, Italian, and Romansch).

Switzerland has stringent labelling requirements for food, including ingredients and health information, country of production, and origin of ingredients. Food labelling is regulated under the Federal Act on Foodstuffs and Utility Articles (Food law) and relevant regulations. Mandatory information for prepacked foods includes a) place of origin (country of production); b) specific des-

ignation; c) composition (ingredients). The new Ordinance on Food Information also requires information, among others: list of ingredients, quantity of certain ingredients or categories of ingredients, ingredient or substances causing allergies or intolerances, date of minimum durability or the 'use by' date, nutrition declaration, genetically modified organism (GMO) Ingredients, etc. (FSVO, 2016). Detailed information about food labelling can be found on the FSVO website.²⁵

²⁵ Food Safety and Veterinary Office (FSVO) at <https://www.blv.admin.ch/blv/fr/home/lebensmittel-und-ernaehrung/lebensmittelsicherheit/naehrwertinformationen-und-kennzeichnung.html> (In order to see full detail, select language as French, German, or Italian).

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Annex 1. Business Registration process in Botswana

No.	Procedure	Estimated timeline	Associated costs
1.	<p>Reserve a unique company name</p> <p>Agency: Companies and Intellectual Property Authority (CIPA) The entrepreneur can search the online database to check whether the desired company name is available for registration. This database is available on the website of the Ministry of Trade and Industry (www.mti.gov.bw). The entrepreneur then submits the Name Reservation Form (Form 1) to the CIPA and receives notification within 3 days. Once approved by the CIPA, the company name is reserved for 30 days. Failure to register the name within 30 days shall render the proposed name invalid and a new application shall be made.</p>	3 days	BWP 20
	<p>Sign the declaration of compliance of statutory requirements for incorporation before a commissioner for oaths</p> <p>Agency: Companies and Intellectual Property Authority (CIPA)</p> <p>The entrepreneur or company representative must submit the following documents:</p> <ul style="list-style-type: none"> Limited Liability Company Registration Form (Form 2). This form must be accompanied by the consent to act as shareholders, directors, auditors, company secretary, and registered officers, along with copies of their national IDs or passports. Declaration of Compliance of Statutory Requirements (Form 3). This form must be accompanied by the particulars of the company secretary and his/her valid practicing licence. Only registered professionals (lawyers or accountants) can serve as company secretaries. According to the Company Act of 2004, Section 21, Sub-section (3) and (4), Form 3 must be signed by a legal practitioner, member of Institute of Accountant, or member of Southern Africa Institute of Chartered Secretaries. 	1 day	BWP 75
2.	<p>Register the company</p> <p>Agency: Companies and Intellectual Property Authority (CIPA)</p> <p>To register the company, the entrepreneur must submit a completed application form, along with the name reservation certificate and the declaration of compliance with statutory requirements for company registration.</p>	18 days on average	BWP 300 for the application to register a company and BWP 60 for the certificate of incorporation
3.	<p>Advertise the intention of applying for a licence in the official gazette</p> <p>Agency: Official Gazette</p> <p>The new company must advertise, in two consecutive issues of the Official Gazette, its intention to apply for a licence.</p>	3 weeks	BWP 80

No.	Procedure	Estimated timeline	Associated costs
4.	<p>Receive inspection of company premises *</p> <p>Agency: Industrial Affairs Department, Ministry of Investment, Trade and Industry</p> <p>The company premises will be inspected by the Health Department, Environment Department, and Town Planning Department of Gaborone City Council to ensure compliance with minimum standards. No charges are involved as this procedure is done by the municipal authorities as part of the application for a trade or an industrial licence.</p>	2 days	No charge
5.	<p>Obtain an industrial licence or a trade licence *</p> <p>Agency: Industrial Affairs Department, Ministry of Investment, Trade and Industry</p> <p>Business founders can either obtain an industrial licence from the Industrial Affairs Department, Ministry of Trade and Industry or obtain a trade licence from the Gaborone City Council.</p>	3 weeks	<p>Industrial licence: BWP 50 if applied by self; BWP 1,500 by agent</p> <p>Trade licence: BWP 100 if applied by self, BWP 2,000 by an agent</p>
6.	<p>Open a bank account*</p> <p>Agency: Bank</p> <p>All new businesses must open a company account with a bank.</p>	1 day	No charge
7.	<p>Obtain Tax Identification Number (TIN)</p> <p>Agency: Botswana United Revenue Services (BURS)</p> <p>The company applies for a Tax Identification Number (TIN) number, usually obtained within 5 days. The company then completes a taxpayer registration form to enroll in the employee withholding Pay-As-You-Earn tax (PAYE), which takes 2 days.</p>	7 days	No charge by self, BWP 1,500 by agent
8.	<p>Register for VAT online</p> <p>Agency: BURS</p> <p>Mandatory VAT for companies with an annual turnover of 1 million BWP and above.</p> <p>Voluntary registration is for companies with a minimum turnover of 500,000 BWP</p>	7 days	No charge
9.	<p>Register employees for workplace injury insurance</p> <p>Agency: Insurance company</p> <p>Under the Workers Compensation Act, companies must provide their employees with workplace injury insurance. Companies may choose to pay a security deposit to the Commissioner for any associated claims; however, most of them often purchase their own insurance.</p>	2 days	No charge

Source: (Botswana Trade Portal, n.d.). *Simultaneous with previous procedure

Annex 2. Common documentation for customs clearance in EFTA

Some of the main documents and authorizations required for export transactions and customs clearance in the EU Single Market are also applicable to EFTA countries, including:

1. Customs Import Declaration (SAD)

All goods imported into the EFTA must be declared to the customs authorities using the Single Administrative Document (SAD). The SAD is a form used for customs declarations in the EU, Switzerland, Norway, Iceland, Turkey, the Republic of North Macedonia, and Serbia. It is composed of a set of eight copies each with a different function. Using one single document reduces the administrative burden and increases the standardisation and harmonisation of data collected on trade. The information contained in the SAD are:

- Data of the parties involved in the operation (importer, exporter, representative, etc.)
- Custom approved treatment (release for free circulation, release for consumption, temporary importation, transit, etc.)
- Identifying data of the goods (Taric

code, weight, units), location, and packaging

- Information referred to the means of transport
- Data about the country of origin, country of export, and destination
- Commercial and financial information (Incoterms, invoice value, invoice currency, exchange rate, insurance, etc.)
- List of documents associated with the SAD (Import licences, inspection certificates, document of origin, transport document, commercial invoice, etc.)
- Declaration and method of payment of import taxes (tariff duties, VAT, Excises, etc)

Depending on the type of goods transported, the following documents shall be declared with the SAD and shall be presented together with it:

- Documentary proof of origin, normally used to apply a tariff preferential treatment
- Certificate confirming the special nature of the product
- Transport Document

- Commercial Invoice
- Customs Value Declaration
- Inspections Certificates (Health, Veterinary, Plant Health certificates)
- Import Licences
- Community Surveillance Document
- Cites Certificate
- Documents to support a claim of a tariff quota
- Documents required for Excise purposes
- Evidence to support a claim to VAT relief

2. Commercial Invoice

A commercial invoice is a bill for the products from the seller to the buyer. It contains the basic information on the transaction, and it is always required for customs clearance. The buyer needs the invoice to prove ownership and arrange payment. It may also be used for the transaction of goods not intended for further sale, returned products, and goods intended only for temporary import, among others. The invoice must contain the following:

- Complete name and address of the buyer or importer, seller or manufacturer, and the shipper;
- Detailed description of the products with quantities, and the Harmonized System (HS) codes of the goods;
- Total value per item;
- Country of origin, with the reason for export; and
- Statement certifying that the invoice is true, and a signature.

3. Customs Value Declaration

The Customs Value Declaration is a document, which must be presented to the customs authorities where the value of the imported goods exceeds EUR 20,000. The Customs Value Declaration must be drawn up conforming to form DV 1, whose specimen is laid down in Annex 8 to Regulation (EU) 2016/341 (OJ L-69 15/03/2016) (CELEX 32016R0341) known as UCC Transitional Delegated Act. This form must be presented with the SAD.

The main purpose of this requirement is to assess the value of the transaction in order to fix the customs value (taxable value) to apply the tariff duties. The customs value corresponds to the value of the goods including all the costs incurred (e.g.: commercial price, transport, insurance) until the first point of entry in the EFTA. The usual method to establish the Customs value is using the transaction value (the price paid or payable for the imported goods). It is recommended to check the relevant EFTA trade and customs portals to know more about the Customs Duties.

4. Bill of Lading or Freight Documents

The bill of lading is one of the most common freight documents, and it is a contract between the owner of the products and the carrier. They are two types, namely:

- A straight bill of lading, which is non-negotiable, and
- The negotiable/shipper's order bill of lading, which can be bought, sold, or traded while goods are in transit and is used for letter-of-credit transactions.

The buyer usually needs a copy of the bill of lading as proof of ownership to take possession of the goods. For air carriers, this transport document is known as an airway bill. Other types of freight documents include FIATA Bill of Lading; Road Waybill; Air Waybill; Rail Waybill; ATA Carnet; and TIR Carnet.

5. Freight Insurance

The insurance is an agreement by which the insured is indemnified in the event of damages caused by a risk covered in the policy. Insurance is all-important in the transport of goods because of their exposure to more common risks during handling, storing, loading, or transporting cargo, but also to other rare risks, such as riots, strikes, or terrorism.

The insurance invoice is required for customs clearance only when the relevant data does not appear in the commercial invoice.

6. Export Packing List

An export-packing list specifies the material in individual packages and shows their net, legal, tare, and gross weights in metric values. The export-packing list is normally attached to the outside of the package in a clearly marked waterproof envelope. It is a useful document for customs officials who use it to check consignments at inspection points.

The generally included data are:

- Information on the exporter, the importer, and the transport company
- Date of issue
- Number of the freight invoice
- Type of packaging (drum, crate, carton, box, barrel, bag, etc.)
- Number of packages
- Content of each package (description of the goods and number of items per package)
- Marks and numbers
- Net weight, gross weight, and measurement of the packages

No specific form is required. The packing list is to be prepared by the exporter according to standard business practice and the original along with at least one copy must be submitted. Generally, there is no need to be signed. However, in practice, the original and the copy of the packing list are often signed. The packing list may be prepared in any language. However, a translation into English is recommended.

7. Certificate of Origin

The Certificate of Origin is a document indicating the country of origin for products being imported. It ensures that products originating in certain countries get the preferential treatment to which they are entitled. The exporter has to verify that the product was sent from the “originating” country and arrives at the EU without being manipulated in another country, apart from the mere operations needed for keeping the product in good conditions.

Annex 3. Product selection focus for the EFTA Markets

1. Introduction

In order to map out product-specific requirements for Botswana’s companies to export to the EFTA, a list of potential products has been ranked according to their potential on the EFTA market, based on a set of criteria. Products have been ranked according to attractiveness.

On the basis of this ranking, the guide will have a section that includes specific product requirements for those selected products to export to the EFTA.

2. Methodology

The products were analysed at the HS4 lev-

el for potential product clusters. Products at an HS 4 level with a trade balance greater than USD 1.5 million have been selected. The trade balance was used as in many instances for Botswana, exports include re-exports. If a country’s export data includes re-exports, it would present an inaccurate representation of the country’s main export commodities, thus constraining the analysis. Moreover, re-exports are not eligible to benefit from preferences under a free trade agreement as insufficient transformation would occur in Botswana.

The universe of products which meet this criterion for Botswana is listed in Table 3.

Table 3. Products with a net export value above USD 1.5 million

HS 4 Code	Product label
'0201	Meat of bovine animals, fresh or chilled
'0202	Meat of bovine animals, frozen
'0713	Dried leguminous vegetables, shelled, whether or not skinned or split
'1302	Vegetable saps and extracts; pectic substances, pectinates, and pectates; agar-agar and other
'2501	Salts, incl. table salt and denatured salt, and pure sodium chloride, whether or not in aqueous
'2836	Carbonates; peroxocarbonates “percarbonates”; commercial ammonium carbonate containing ammonium
'5808	Braids of textile materials, in the piece; ornamental trimmings of textile materials
'6302	Bed linen, table linen, toilet linen, and kitchen linen of all types of textile materials
'8309	Stoppers, caps, and lids, incl. crown corks, screw caps and pouring stoppers, capsules for bottles
'8544	Insulated “incl. enamelled or anodised” wire, cable “incl. coaxial cable” and other insulated

Source: Author calculations based on ITC TradeMap

The list of products is further analysed, based on a set of criteria. Each criterion is scored between 0 and 100, as follows.

(i). Priority Product. Products belonging to the priority sectors of Botswana’s National Export Strategy of 2019-2024. Indicator 1: NES Priority Sector. If the product is an NES priority sector, it is assigned a score of 100. Otherwise, it is assigned a score of 0.

(ii). Botswana’s Supply Dynamics. Growth of Botswana’s trade balance of the products, to determine if the country is

an exporter of the products and not just a re-exporter. Indicator 2: Average annual compound growth of Botswana’s Trade Balance (2015-19) in percentage

(ii). EFTA Demand Dynamics. The growth of EFTA imports for the last five years. Indicator 3: Average annual compound growth rate of EFTA imports (2015-19) in percentage. The scores in Table 4 have been assigned for growth rates.

(iv). EFTA vs World Growth in Imports. The growth of import demand from the EFTA in comparison to the import demand in the

world. Indicator 3: Growth rate of EFTA imports/ Growth rate of World imports (2015-2019). If the value of the indicator is greater than 1, demand for the product grew faster in the EFTA than in the world and a score of 100 is given. If the value is less than 1, demand for the product grew slower in the EFTA than in the world, so a score of 0 is given.

(v). Margin of Tariff Preferences. The tariff advantage on the products originating from the SACU region, allowed under the

SACU-EFTA tariff arrangements is lower than those rates faced by countries that do not have a trade agreement with the EFTA, or that are not eligible to its preferential schemes. EFTA average applied MFN Ad Valorem Equivalent Tariff in 2019 is subtracted by the SACU-EFTA preferential duty average to calculate Indicator 4: Tariff Advantage. An index for each parameter has been devised to determine a score/rank out of 100. The scores in Table 4 have been assigned for the Tariff Advantage.

Table 4. Score ranges for growth and tariff preferences

Import Growth Rate		Tariff Advantage	
Range of Growth rate	Score	Range of Tariff	Score
(-25 to -20)	0	0 to 5	0
(-20 to -15)	10	5 to 10	10
(-15 to -10)	20	10 to 15	20
(-10 to -5)	30	15 to 20	30
(-5 to 0)	40	20 to 25	40
(0 to 5)	50	25 to 30	50
(0 to 10)	60	30 to 35	60
(10 to 15)	70	35 to 40	70
(15 to 20)	80	40 to 45	80
(20 to 25)	90	45 to 50	90
(25 to 30)	100	50 to 55	100

The scores can be interpreted on the following scale:

- 0-25: Very low performance/advantage
- 26-50: Low performance/advantage

- 51-75: Good performance/advantage
 - 76-100: High performance/advantage
- These criteria used have been assigned weights for the final index calculation out of 100. The weights are provided in Table 5.

Table 5. Weights assigned to criteria

Parameter	Weights
1. NES priority Sector	2
2. Growth of Botswana's Trade Balance (15-19) p.a. %	2
3. Growth rate of EFTA's imports (2015-19) p.a. %	1
4. Growth rate of EFTA's imports/ Growth rate of World's imports (2015-2019)	1
5. EFTA MFN AVE 2019	2

3. Results

Table 6. Botswana-EFTA trade overview

HS 4 Code	Botswana's exports to EFTA in 2019 (USD Million)	Value of imports by EFTA in 2019 (USD Million)	Growth rate of EFTA's imports (2015-19) p.a. %	Growth rate of EFTA's imports/ Growth rate of World's imports (2015-2019)	Un-tapped export potential to EFTA (USD Million)	Share in imports in 2019 in the EFTA	EFTA MFN AVE (average) 2019 (1)	EFTA Preferential Duty (average) 2019 (2)	Tariff Advantage (1-2)
'0201	0	241.9	-4.7%	-1.6	0.3	0.1	157.8%	110.6%	47.1%
'0202	0	39.7	0.7%	0.1	0.02	0.0	233.8%	174.4%	59.3%
'0713	0	77.3	6.9%	-1.2	0.03	0.0	4.1%	0.0%	4.1%
'1302	0	102.4	4.8%	1.3	N/A	0.0	0.9%	0.0%	0.9%
'2501	0	100.2	3.3%	1.1	N/A	0.0	0.4%	0.0%	0.4%
'2836	0	59.9	2.4%	0.4	1.1	0.0	0.5%	0.0%	0.5%
'5808	0	4.0	-0.4%	0.0	0.1	0.0	1.2%	0.0%	1.2%
'6302	0	324.2	-0.4%	-0.2	1.3	0.1	6.4%	0.0%	6.4%
'8309	0	123.8	1.9%	0.6	0.6	0.0	1.9%	0.0%	1.9%
'8544	0	1,537.4	3.5%	1.0	1.6	0.4	0.4%	0.0%	0.4%

Source: Author calculations based on ITC TradeMap, ITC Export Potential Map & ITC Macmap

Table 7. Product selection calculations for the EFTA markets

HS 4 Code	NES Sector	Growth of Botswana's Trade Balance (15-19) p.a. %		Growth rate of EFTA's imports (2015-19) p.a. %		Growth rate of EFTA's imports/ Growth rate of World's imports (2015-2019)		Tariff Advantage (1-2)		Score out of 100	
		Value	NES Score (0-100)	Value	Score (0-100)	Value	Score (0-100)	Value	Score (0, 100)	Value	Score (0-100)
'0201	Meat & Meat Products	100	-17.2%	10	-4.7%	40	-1.6	0	47.1%	90	55.0
'0202	Meat & Meat Products	100	-12.3%	20	0.7%	50	0.1	0	59.3%	100	61.3
'0713	No	0			6.9%	60	-1.2	0	4.1%	0	7.5
'1302	No	0	27.7%	100	4.8%	50	1.3	100	0.9%	0	43.8
'2501	No	0	-4.6%	40	3.3%	50	1.1	100	0.4%	0	28.8
'2836	No	0	-2.8%	40	2.4%	50	0.4	0	0.5%	0	16.3
'5808	Artisanal Products	100	-27.5%	0	-0.4%	40	0.0	0	1.2%	0	30.0

HS 4 Code	NES Sector		Growth of Botswana's Trade Balance (15-19) p.a. %	Growth rate of EFTA's imports (2015-19) p.a. %		Growth rate of EFTA's imports/ Growth rate of World's imports (2015-2019)		Tariff Advantage (1-2)		Score out of 100	
	Value	NES Score (0-100)	Value	Score (0-100)	Value	Score (0-100)	Value	Score (0, 100)	Value	Score (0-100)	Value
'6302	Garments & Textiles	100	-3.2%	40	-0.4%	40	-0.2	0	6.4%	10	42.5
'8309	Light Manufacturing	100			1.9%	50	0.6	0	1.9%	0	31.3
'8544	No	0	-20.7%	0	3.5%	50	1.0	100	0.4%	0	18.8

Source: Author calculations based on ITC TradeMap & ITC Macmap

4. Selected Products

The top 5 products with the highest potential to the EFTA markets are:

Table 8. Priority Products

HS 4 Code	Product label	NES Sector	Growth of Botswana's Trade Balance (15-19) p.a. %	Growth rate of EFTA's imports (2015-19) p.a. %	Growth rate of EFTA's imports/ Growth rate of World's imports (2015-2019)	Tariff Advantage	Index Value*
'0201	Meat of bovine animals, fresh or chilled	Meat & Meat Products	-17.2%	-4.7%	-1.6	47.1%	55.0
'0202	Meat of bovine animals, frozen	Meat & Meat Products	-12.3%	0.7%	0.1	59.3%	61.3
'1302	Vegetable saps and extracts	No	27.7%	4.8%	1.3	0.9%	43.8
'6302	Bedlinen, table linen, toilet linen and kitchen linen	Garments & Textiles	-3.2%	-0.4%	-0.2	6.4%	42.5
'8309	Stoppers, caps and lids	Light Manufacturing		1.9%	0.6	1.9%	31.3

Source: Author calculations based on ITC TradeMap & ITC Macmap

*(out of 100) 0: Very Low – 100: Very High.

Annex 4. Product-specific export requirements

The following section contains a detailed list of the different requirements necessary to export five specific products into the EFTA. The selection of products and markets under this section reflects criteria aimed to de-

termine the likeliest products and markets to export from Botswana to EFTA markets. Annex 3 provides an overview of the products selected and the methodology for selection. The five categories of products chosen are:

Product Category (HS 4)	Specific Product (HS 8)
0202 Frozen meat	0202.30.90 Meat of bovine animals, frozen, Boneless, Other, of High Quality 0202.20.90 Frozen bovine cuts, with bone in (excluding carcasses and half-carcasses): other
0201 Chilled meat (beef)	0201.30.10 Fresh or chilled bovine meat, boneless: forequarters cuts (incl. thin flanks) 0201.30.90 Fresh or chilled bovine meat, boneless: other 0201.10.00 Carcasses or half-carcasses of bovine animals, fresh or chilled
1302 Vegetable saps and extracts	1302.19.70 Vegetable saps and extracts (excluding liquorice, hops, and opium): other
6302 Bed, table or toilet linen	6302.60.00 Toilet linen and kitchen linen, of terry toweling or similar terry fabrics, of cotton, knitted or crocheted.
8309 Stoppers, Caps, and lids	8309.90.10 Stoppers, caps, and lids, incl. screw caps and pouring stoppers, capsules for bottles, threaded bungs, bung covers, seals, and other packing accessories of base metal (excluding crow corks): of iron or steel

A. Chilled and Frozen Meat

This section provides requirements for exporting SACU-EFTA FTA eligible products under groups HS0201 and HS0202 to the EFTA. Import rules for meat and meat prod-

ucts in EFTA countries are either harmonised or formally recognised with that of the EU, meaning that similar rules apply to products entering the EU and EFTA markets.²⁶

Table 9. Product Information Sheet - Meat (Chilled and Frozen)

HS code 0201	
EFTA's value of imports	USD 242 million (2019)
Import growth	-4.7% (2015-2019 CAGR)
Major suppliers	Ireland (19%), Germany (16%), Uruguay (9%)
Applied Tariff	Iceland: 30% + 510 Kr/kg (or 68.65% AVE) Norway: 10% -15% Switzerland: 85Fr/100 kg gross*
Rules of Origin	Manufacture in which all the materials of Chapters 1 and 2 used are wholly obtained
HS code 0202	
EFTA's value of imports	USD 40 million (2019)
Import growth	0.7% (2015-2019 CAGR)
Major suppliers	Austria (12%), Germany (13%), Uruguay (18%), Botswana (14%)
Applied Tariff	Iceland: 30% + 510 Kr/kg (or 96.76%AVE) Norway: 10% -15% Switzerland: 85Fr/100 kg gross*

²⁶ See the Declaration on SPS measures Bilateral Agreements in Agriculture between EFTA States and SACU. For more information, also see <https://www.efta.int/media/documents/eea/GoodsFactSheet.pdf>

Rules of Origin	Manufacture in which all the materials of Chapters 1 and 2 used are wholly obtained
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**Switzerland tariff applicable within the limits of the tariff quota (Q.No. 5). Source: Author's compilation based on ITC Trademap, ITC MacMap*

Imports of fresh meat and meat products into the region are subject to veterinary certification - which is based on the recognition of the competent authority of the third country by the Directorate-General for Health and Food Safety.²⁷ Across the EFTA States, meat slaughter and processing plants and cold storages in exporting country must meet the same requirements as required by the EU. This formal recognition of the reliability of the competent authority is a prerequisite for the country to be eligible and authorised to export such products to the EU or the EFTA region.²⁸ Botswana currently has two recognised establishments by the European Commission, which can certify meat:

- Botswana Meat Commission, Selected facilities, valid from 10/2012²⁹
- Senn Foods Abattoir, Valid from 04/2019³⁰

The food hygiene conditions for food imports are laid down in several parts of EU law.³¹ Apart from Regulations (EC) Nos 852/2004, 853/2004, 178/2002, and 882/2002, consideration should be given to:

- Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on prod-

ucts of animal origin intended for human consumption

- Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries.

The main specific requirements as they relate to beef imports are highlighted below.³² A helpful online guide to the requirements on food safety for exporting to the EU/EFTA can be found at the EU Food Safety Portal.³³

Labelling and Nutrition

In general, the following information needs to be labelled on meat products, with pre-packed products having some additional information needs that products that have not been pre-packed do not need to include:

- Name of the food;
- List of ingredients;
- Any ingredient or processing aid used in the manufacture or preparation of food that could cause allergies or intolerances;
- Quantity of certain ingredients or categories of ingredients;
- Net quantity of the food;
- Date of minimum durability ('best before' date) or the 'use by' date;

²⁷To know more on EU import conditions for fresh meat and meat products, see https://ec.europa.eu/food/sites/food/files/safety/international_affairs/trade/docs/im_cond_meat_en.pdf

²⁸Legally legitimate and adequately empowered authorities in the exporting country must ensure credible inspection and controls throughout the production chain, which cover all relevant aspects of hygiene, animal health and public.

²⁹For more information on the Botswana Meat Commission visit https://webgate.ec.europa.eu/sanco/traces/output/BW/RM_BW_en.pdf

³⁰For more information on the Senn Foods Abattoir visit https://webgate.ec.europa.eu/sanco/traces/output/BW/ABP-FSB_BW_en.pdf

³¹To know more on the EU law on food information to consumers see https://ec.europa.eu/food/safety/labelling_nutrition/labelling_legislation_en

³²To see the guidance document on "Key questions related to import requirements and the new rules on food hygiene and official food controls" visit https://ec.europa.eu/food/sites/food/files/safety/docs/biosafety_fh_legis_guidance_interpretation_imports.pdf

³³Available at https://ec.europa.eu/food/safety_en

- Any special storage conditions and/or conditions of use;
- Name or business name and address of the food business operator;
- Country of origin or place of provenance;
- Instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions;
- Nutrition declaration.

Biological Safety

Similar to the EU, the EFTA countries apply a single, transparent hygiene policy applicable to the importation of all food and all food operators right through the food chain (“from farm to fork”), together with effective instruments to manage food safety and any future food crises throughout the food chain.³⁴

The principles of food hygiene are:

- **Primary responsibility** for food safety borne **by the food business** operator
- Food **safety ensured throughout the food chain**, starting with primary production
- General implementation of procedures based on the **Hazard Analysis and Critical Control Points principles (HACCP)**
- Application of **basic common hygiene requirements**, possibly further specified for certain categories of food
- **Registration or approval** for certain establishments
- Development of **guides to good practice for hygiene** or for the application of HACCP principles as a valuable instrument to aid food business operators at all levels of the food chain to comply with the new rules.

Chemicals Safety & Hormones

Animals may be treated with veterinary medicines to prevent or cure disease, which

may leave residues in the food from treated animals. Food may also contain residues of pesticides and contaminants to which animals have been exposed to. In all cases, **the levels of residues in food should not harm the consumer.**³⁵ Botswana must implement a residue monitoring plan that guarantees an equivalent level of food safety. Sampling for bovine meat should be submitted for 0.4% of the animals slaughtered in the previous year. Guidelines for establishing a residue monitoring plan by the EC are available.³⁶

Specifically, **the EU regulations prohibit the use of substances having a hormonal action for growth promotion in farm animals.** Examples of growth promoters are oestradiol 17 β , testosterone, progesterone, zernanol, trenbolone acetate, and melengestrol acetate (MGA). This prohibition applies to the Member States and imports from third countries alike.³⁷

Traceability

“Traceability” means the ability to track any food, feed, food-producing animal or substance that will be used for consumption, through all stages of production, processing, and distribution.³⁸ Specific traceability requirements in the context of the General Food Law Regulation for animal origin products include:

- Special traceability rules for genetically modified organisms (GMOs), which ensure that the GM content of a product can be traced and require accurate labelling so that consumers can make an informed choice.
- Producers must now “tag” every animal with details of their origin and, when animals are taken for slaughter, stamp them with the traceability code of the abattoir. The

³⁴ To know more on food hygiene policy, see https://ec.europa.eu/food/safety/biosafety/food_hygiene_en

³⁵ Specific legislation pertaining to this is found in [Directive 96/23/EC](https://ec.europa.eu/food/safety/biosafety/food_hygiene_en).

³⁶ The regulation and guidelines on for establishing a residue monitoring plan can be found at https://ec.europa.eu/food/safety/chemical_safety/vet_med_residues_en

³⁷ See [Directive 81/602/EEC](https://ec.europa.eu/food/safety/chemical_safety/vet_med_residues_en), [Directive 96/22/EC](https://ec.europa.eu/food/safety/chemical_safety/vet_med_residues_en) and [Directive 2003/74/EC](https://ec.europa.eu/food/safety/chemical_safety/vet_med_residues_en).

³⁸ To know more on import conditions for fresh meat and meat products, see https://ec.europa.eu/food/sites/food/files/safety/international_affairs/trade/docs/im_cond_meat_en.pdf

tools used (ear tags, passports, bar codes) may vary from one country to another but must carry the same information.

To enable the traceability of animals across borders, in April 2004, the EU introduced the TRAdE Control and Expert System (TRACES), which is also actively used by the EFTA. This provides a central database for tracking the movement of animals both within the EU/EFTA and from third countries. In the event of a disease outbreak, TRACES ensures that all potentially affected animals can be quickly identified and that authorities can take appropriate measures.³⁹

Logistics

Imports of meat or meat products must enter the EFTA via an approved Border Inspection Post of the EFTA under the authority of an official veterinarian in the EFTA Member

State in question. Each consignment is subject to a systematic documentary check, identity check and, as appropriate, a physical check. The frequency of physical checks depends on the risk profile of the product and also on the results of previous checks. Consignments that are found not to be compliant with regulations shall either be destroyed or, under certain conditions, re-dispatched within 60 days.

B. Vegetable Saps and Extracts

This section provides requirements for exporting SACU-EFTA FTA eligible products under groups HS1302 to the EFTA. The main specific requirements for importing vegetable saps and extracts/foodstuffs in the EFTA region follow the same as the EU requirements. The requirements are highlighted below.

Table 10. Product Information Sheet - Vegetable Saps and Extracts

HS code 1302	
EFTA's value of imports	USD 102 million (2019)
Import growth	-4.8% (2015-2019 CAGR)
Major suppliers	Germany (25%), France (11%), Poland (11%), US (10%)
Applied Tariff	Free
Rules of Origin	<ul style="list-style-type: none"> Mucilages and thickeners, modified, derived from vegetable products: Manufacture from non-modified mucilages and thickeners Others: Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product

Source: Author's compilation based on ITC Trademap, ITC MacMap

Labelling

The labelling requirements applicable to these products are the same as those applicable to meat. See section A.

Control of contaminants in foodstuffs

The EFTA has strong requirements with regards to contaminants in foodstuffs. Its legislation aims to ensure that food placed on

the market is safe to eat and does not contain contaminants at levels that could threaten human health.⁴⁰ Pesticide residues are one of the crucial issues for fruit and vegetable suppliers. To avoid damaging consumer health and the environment, the maximum residue levels (MRLs) for pesticides in and on food products are set in the EU regulations with which EFTA countries are in line.

³⁹ Legally legitimate and adequately empowered authorities in the exporting country must ensure credible inspection and controls throughout the production chain, which cover all relevant aspects of hygiene, animal health and public.

⁴⁰ Regulation (EU) 2017/625 (the Official Controls Regulation - OCR) lays down the new general legal framework in order to guarantee this high level of consumer protection. Contaminants may be present in food (including fruits and vegetables, meat, fish, cereals, spices, dairy products, etc.) as a result of the various stages of its production, packaging, transport or holding, or also might result from environmental contamination.

Saps and extracts containing more pesticides than allowed will be withdrawn from the market.

Biological Safety

Food business operators carrying out primary production have to comply with the general hygiene provisions laid down in Regulation 853/2004 of the European Parliament and of the Council of 29 April 2004. Food business operators producing or harvesting plant products are to take adequate measures:

- a) to keep clean and, where necessary after cleaning, to disinfect, in an appropriate manner, facilities, equipment, containers, crates, vehicles, and vessels;
- b) to ensure, where necessary, hygienic production, transport and storage conditions for, and the cleanliness of, plant products;
- c) to use potable water, or clean water, whenever necessary to prevent contamination;
- d) to ensure that staff handling foodstuffs are in good health and undergo training on health risks;
- e) as far as possible to prevent animals and pests from causing contamination;
- f) to store and handle wastes and hazardous substances so as to prevent contamination;
- g) to take account of the results of any relevant analyses carried out on samples taken from plants or other samples that have importance to human health; and
- h) to use plant protection products and biocides correctly, as required by the relevant legislation

Traceability, compliance, and responsibility in food and feed

Food and feed business operators need to comply with the specific obligations⁴¹ covering all stages of food/feed production and distribution including:

Compliance with Food Law: Imported food/ foodstuff must comply with the relevant requirements of food law or conditions recognized by the EFTA and the competent authority of the exporting country – Botswana – has to offer guarantees on the same.

Traceability: traceability facilitates the withdrawal of faulty food/feed from the market, provides consumers with targeted and accurate information on specific products, covers all food and feed, all food and feed business operators, without prejudice to existing legislation on specific sectors, affects importers who are required to be able to identify from whom the product was exported in the country of origin, and obliges businesses to be able to identify at least the immediate supplier of the product in question and the immediate subsequent recipient, with the exemption of retailers to final consumers (unless specific provisions for further traceability exist).

Traceability is always required for any substance intended or expected to be, incorporated into food or feed. Specific legislation by product is given in the EC Food Law Portal.⁴²

Food and feed operators are also required to have systems and procedures in place that allow for the supplier information to be made available to the Competent Authorities upon request.

Food, which is placed or is likely to be placed on the market in the EFTA markets, shall also be adequately labelled or identified to facilitate its traceability, through relevant documentation or information on the product particulars.

Responsibilities: Food business operators at all stages of production, processing, and distribution within the businesses need to

⁴¹ Regulation (EC) No [178/2002](#) of the European Parliament and of the Council (OJ L-31 01/02/2002) (CELEX 32002R0178)

⁴² Available at https://ec.europa.eu/food/safety/general_food_law/general_requirements_en

ensure that the foods satisfy the requirements of food law which are relevant to their activities and shall verify that such requirements are met.

C. Textiles

The details provided in this section cover those requirements for product group HS6302. Textile products face three main import requirements into the EU/EFTA.

Table 11. Product Information Sheet - Textile

HS code 6302	
EFTA's value of imports	USD 324 million (2019)
Import growth	-0.4% (2015-2019 CAGR)
Major suppliers	Turkey (14%), Pakistan (15%), Germany (12%) (2019)
Applied Tariff	Free
Rules of Origin	Manufacture from materials of any chapter, except that of the product, provided that the value of the non-originating fabric used does not exceed 50 % of the ex-works price of the product. For products only cut (or knit to shape) and sewn, both the cutting (or knitting to shape) and sewing or an assembly in another way must be completely made in the parties

Source: Author's compilation based on ITC Trademap, ITC MacMap

Labelling of Textiles

Similar to the meat requirements, textile products can only be placed on the EFTA markets provided that they are labelled, marked, or accompanied with commercial documents. The main purpose of the labelling requirements is to ensure that consumers, when purchasing textile products, are given an accurate indication of their fibre composition.⁴³ The general information that must be contained in the labels is:

- The information in the label must be accurate, not misleading, and easily understandable.
- The label or mark shall be durable, easily legible, visible, accessible and, in the case of a label, securely attached.
- It shall appear in the official language or languages of the Member States where the product is offered to the consumer.
- The information should not contain abbreviations.

Box 5. Specific labelling requirements for textile products

In addition to the general requirements, textile producers ready to export to the EFTA must comply with a set of specific requirements similar to that in the EU:

- Only textile products exclusively composed of the same fibre may be labelled or marked as '100%', 'pure' or 'all'.
- Multi-fibre textile products shall be labelled with the name and percentage by weight of all constituent fibres in descending order. Fibres not yet listed in Annex I to the Regulation or fibres accounting for less than 5% of the total weight, may be designated as Other fibres, immediately preceded

ed or followed by their total percentage by weight.

- A textile product containing two or more textile components that have different textile fibre contents shall bear a label or marking stating the textile fibre content of each component.
- Decorative fibres and fibres with antistatic effect not exceeding 7% and 2% respectively of the weight of the product are excluded from the indication of fibre content.
- The presence of non-textile parts of animal origin is required to be marked as

⁴³ See Regulation [\(EU\) No 1007/2011](#) of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council [Directive 73/44/EEC](#) and [Directives 96/73/EC](#) and [2008/121/EC](#) of the European Parliament and of the Council (OJ L-272 18/10/2011) (CELEX 32011R1007)

Contains non-textile parts of animal origin on the labelling or marking.

- For textile products whose fibre composition is difficult to determine, the terms mixed fibres or unspecified textile

composition may be used.

- Annex IV to the Regulation sets out special provisions for the labelling and marking of certain textile products (corsetry products, embroidered textiles, etc.).

Restriction on the use of certain chemical substances in textile and leather products
This regulation restricts the use of a large selection of chemicals in textiles and leath-

er. The use of these chemicals in apparel is either restricted by limits in weight, usually measured in mg or kg, or prohibited altogether (see Box 6).⁴⁴

Box 6. Specific chemical restrictions for textile products

The following chemicals and substances are not allowed in textile articles:

- Tris (2,3 dibromopropyl) phosphate in textile articles intended to come into contact with the skin.

- Tris (aziridinyl) phosphin oxide in textile articles intended to come into contact with the skin.

- Polybrominated biphenyls (PBB) in textile articles intended to come into contact with the skin.

- Mercury compounds in the impregnation of heavy-duty industrial textiles and yarn intended for their manufacture.

- Dioctyltin (DOT) compounds in textile articles, footwear, or part of footwear intended to come into contact with the skin.

- Nickel in articles intended to come into direct and prolonged contact with the skin, such as rivets buttons, tighteners, rivets, zippers, and metal marks, when these are used in garments.

- Azodyes which may release one or more of the aromatic amines listed in Appendix 8, in textile and leather articles which may come into direct and prolonged contact with the skin or oral cavity.

- Nonylphenol and nonylphenol ethoxylates in textile and leather processing.

- Chromium VI compounds in leather articles intended to come into contact with the skin.

- Polycyclic aromatic hydrocarbons compounds (PAH) in clothing, footwear, gloves, and sportswear if any of their rubber or plastic components come into direct as well as prolonged or short-term repetitive contact with the skin or the oral cavity.

- Perfluorooctanoic acid ('PFOA'), its salts, and PFOA-related substances in textiles for protection of workers and membranes intended for use in medical textiles.

- The substances listed in column 1 of the Table in Appendix 12 in clothing or relating accessories, footwear, and other textiles intended to come into contact with human skin in a concentration, measured in homogeneous material, equal to or greater than that specified for that substance in Appendix 12.

- Additionally, no persistent organic pollutants nor biocidal products are allowed in textile articles.

⁴⁴ See Regulation [\(EC\) No 1907/2006](#) of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending [Directive 1999/45/EC](#) and repealing Council Regulation [\(EEC\) No 793/93](#) and Commission Regulation (EC) No 1488/94 as well as Council [Directive 76/769/EEC](#) and Commission [Directives 91/155/EEC](#), [93/67/EEC](#), [93/105/EC](#) and [2000/21/EC](#) (OJ L-396 30/12/2006)(CELEX 32006R1907). [Regulation \(EU\) 2019/1021](#) of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L-169 25/06/2019) (CELEX 32019R1021). [Regulation \(EU\) No 528/2012](#) of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L-167 27/06/2012) (CELEX 32012R0528)

Voluntary Standards: the EU's Ecolabel

Ecolabel is a label of environmental excellence that is awarded to products and services meeting high environmental standards throughout their life-cycle: from raw material extraction to production, distribution and disposal. The EU Ecolabel promotes the circular economy by encouraging producers to generate less waste and CO2 during the manufacturing process.⁴⁵ The EU Ecolabel criteria also encourage companies to develop products that are durable, easy to repair,

and recycle. This Ecolabel is also practised in EFTA member states.

D. Articles of Base metals

The details provided below cover those requirements for product group HS8309 - Stoppers, caps and lids (including crown corks, screw caps and pouring stoppers), capsules for bottles, threaded bungs, bung covers, seals, and other packing accessories, of base metal.

Table 12. Product Information Sheet - Articles of Base metals

HS code 8309	
EFTA's value of imports	USD 124 million (2019)
Import growth	1.9% (2015-2019 CAGR)
Major suppliers	Poland (26%), Germany (19%), France (19%)
Applied Tariff	Free
Rules of Origin	Manufacture from materials of any heading, except that of the product

Source: Author's compilation based on ITC Trademap, ITC MacMap

The specific regulations for articles of base metals refer mostly to the packaging in which the products are contained. From a general requirement, packages have to ensure:

- Waste reduction by minimising the weight and/or volume of packaging;
- Minimising the presence of substances considered to be noxious or hazardous;
- Nature and conditions for packaging to be reused;
- Recovery of packaging by material recycling and/or composting and/or energy recovery.

In addition to these requirements, imports

into the EFTA, of packaging made of wood and other plant products **may be** subject to phytosanitary measures.⁴⁶ For packaging involving, heavy metal substances, such as cadmium, mercury, lead and hexavalent chromium, the total level of these metals in packaging must not exceed 100 parts per million (ppm).

Additionally, the packaging must bear the appropriate marking on the packaging itself or on a label. Information on the nature of the packaging materials used must be indicated.⁴⁷ The labelling for the pre-packed package must specify the weight of the products.⁴⁸

⁴⁵ See EU Eco-label: <https://ec.europa.eu/environment/ecolabel/>

⁴⁶ See Directive [2000/29/EC](#) of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

⁴⁷ See [Decision 97/129/EC](#), which establishes a Packaging Material Identification System to facilitate identification and classification of packaging materials.

⁴⁸ It is worth noting that Directive [2007/45/EC](#) establishes the range of nominal quantities for prepacked products. Articles of base metal have to comply to these quantities in order to be exported to the EU.

Box 7. Special rules for materials and articles intended to come into contact with foodstuffs

These rules are intended towards all materials and articles (of base metal) that might come into contact with foodstuffs, which mainly include packaging materials, containers, caps. The purpose of this is to ensure that packaging is manufactured in a way they do not transfer their constituents to food, that could be harmful to human health or change the composition of the food or change the taste and odour of foodstuffs.

A list of materials and articles which may be subject to specific measures is given in [Annex I](#) of Regulation (EC) [1935/2004](#).

Further, Regulation [\(EC\) 2023/2006](#) lays down the rules on good manufacturing practice (GMP) for the groups of materials and articles intended to come into contact with food listed in [Annex I](#) (1935/2004) above.

Annex 5. Specimen of Movement Certificate EUR 1 (C/O)

MOVEMENT CERTIFICATE EUR.1

1. Exporter <i>(Name, full address, country)</i>	EUR.1 N° A 000.000 See notes overleaf before completing this form		
3. Consignee <i>(Name, full address, country)</i> (Optional)	2. Certificate used in preferential trade between and <i>(insert appropriate countries, group of countries or territories)</i>		
	4. Country, group of countries or territory in which the products are considered as originating	5. Country, group of countries or territory of destination	
6. Transport details <i>(Optional)</i>	7. Remarks		
8. Item number; marks and numbers; number and kind of packages ⁽¹⁾ ; description of goods	9. Gross weight (kg) or other measure (l,m ³ ,etc.)	10. Invoices (Optional)	
11. CUSTOMS ENDORSEMENT Declaration certified Export document ⁽²⁾	12. DECLARATION BY THE EXPORTER I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.		
Form No..... From Customs office Issuing country or territory Date (Signature)	Stamp Place and date: (Signature)		

¹⁾ If goods are not packed, indicate number of articles or state "in bulk" as appropriate.

²⁾ Complete only where the regulations of the exporting country or territory require.

13. REQUEST FOR VERIFICATION, to 	14. RESULT OF VERIFICATION Verification carried out shows this certificate (1) <input type="checkbox"/> was issued by the Customs Office indicated and that the information contained therein is accurate. <input type="checkbox"/> Does not meet the requirements as to authenticity and accuracy (see remarks appended).
Verification of the authenticity and accuracy of this certificate is requested <hr/> <p style="text-align: center;"><i>(Place and date)</i> <i>Stamp</i></p> <hr/> <p style="text-align: center;"><i>(Signature)</i></p>	<hr/> <p style="text-align: center;"><i>(Place and date)</i> <i>Stamp</i></p> <hr/> <p style="text-align: center;"><i>(Signature)</i></p> <p>(1) Insert X in the appropriate box.</p>

NOTES

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the Customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to mark any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

Annex 6. Useful Links

GENERAL

- SACU-EFTA FTA Legal text: <https://www.efta.int/free-trade/free-trade-agreements/sacu>
- Information about EFTA: <https://www.efta.int/>
- Global Trade Helpdesk: <https://globaltradeshelphdesk.org/en>
- ITC Market Access Map (for applicable Customs Tariffs, Regulatory Requirements): <https://macmap.org/>
- ITC Trademap (for data on trade performance by EFTA and Botswana): <https://www.trademap.org/>
- Botswana's Trade Performance: <https://www.tradeeconomics.com/trade-insights/trade-performance-dashboards/> (filter by Botswana)
- Botswana's Investment Performance: <https://www.tradeeconomics.com/trade-insights/investment-dashboards/> (filter by Botswana)
- Botswana's Sectorial Performance: <https://www.tradeeconomics.com/trade-insights/sector-dashboards/> (filter by Botswana)
- Botswana's export basket: <https://www.tradeeconomics.com/trade-insights/trade-performance-dashboards/>
- EU Access2Markets Trade Helpdesk: <https://trade.ec.europa.eu/access-to-markets/en/content>
- EU Food Safety: https://ec.europa.eu/food/safety_en

ICELAND

- Iceland Revenue and Customs: <https://www.tollur.is/>
- Icelandic Food and Veterinary Authority: <https://www.mast.is/>
- Icelandic Food and Veterinary Authority, labelling requirements: <https://www.mast.is/is/matvaelafyrirtaeki/merkingar/almennar-merkingar>.

NORWAY

- Norwegian Customs <https://www.toll.no/en/>
- Norwegian Food Safety Authority (responsible for the control of foods of both animal and non-animal origin): <https://www.mattilsynet.no/>
- Information on Commercial import of foods to Norway: https://www.mattilsynet.no/language/english/food_and_water/Commercial_import_of_foods_to_Norway/

SWITZERLAND

- Swiss Federal Customs Administration: <https://www.ezv.admin.ch/ezv/en/home.html>
- State Secretariat for Economic Affairs (SECO) Portal (information on TBT, Import Platform, etc.) <https://www.seco.admin.ch/seco/en/home.html>
- Food Safety and Veterinary Office (FSVO) at <https://www.blv.admin.ch/blv/fr/home/lebensmittel-und-ernaehrung.html>
- The Federal Law Publication Platform <https://www.fedlex.admin.ch/>