

# Simplification of Trade Agreements for the Private Sector

Guide to Exporting to the United Kingdom under the  
SACUM-UK Economic Partnership Agreement



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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 Economic Partnership Agreement between the Southern African Customs Union Member States and Mozambique, of the one part and the United Kingdom of Great Britain and Northern Ireland, of the other part (SACUM-UK EPA), which came into force in January 2021, provides the legal ground for trade and development arrangements between the EPA Member States. The agreement covers trade in goods, trade in services, intellectual property, and government procurement. It is designed as a development-focused trade agreement that aims to promote increased trade and investment, as well as contribute to the sustainable growth of the member countries.

The SACUM-UK EPA lay the foundation for Botswana's trade partnership with the United Kingdom (UK) that has been created and strengthened through the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the Southern African Development Community Economic Partnership Agreement States, of the other part (EU-SADC EPA) post Brexit. Together with the EU-EPA, the SACUM-UK EPA ensures the continued preference enjoyed by the Botswana economic operators to Europe as one of the largest and most dynamic trading regions in the world.

In order to benefit from the EPA, 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 UK, 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

ACP	African, Caribbean, and Pacific Group of States
AfCFTA	African Continental Free Trade Area
B/L	Bill of Lading
BB	Business Botswana
BCP	Border Control Post
BELMN	Botswana, Eswatini, Lesotho, Mozambique, and Namibia
BELN	Botswana, Eswatini, Lesotho, and Namibia
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
BWP	Botswana Pula
CAGR	Compound Annual Growth Rate
CHIEF	Customs Handling of Import and Export Freight
CO2	Carbon Dioxide
CTC	Change in Tariff Classification
CVEDs	Common Veterinary Entry Documents
DIT	Department of International Trade
DUCR	Declaration Unique Consignment Reference
EDTC	Economic Diversification and Trade Council
EFTA	European Free Trade Association
ENS	Entry Summary Declaration
EORI	Economic Operators Registration and Identification
EPA	Economic Partnership Agreement
EU	European Union
FTA	Free Trade Agreement
GDP	Gross Domestic Product
GMOs	Genetically Modified Organisms
GSP	Generalized System of Preferences
HACCP	Hazard Analysis and Critical Control Points principles
ICS	Import Control System
ICS NI	Import Control System Northern Ireland
IPAFFS	Import of Products, Animals, Food and Feed System
ITC	International Trade Center
MFN	Most Favoured Nation

MITI	Ministry of Investment, Trade and Industry
MOA	Ministry of Agricultural Development and Food Security
MRLs	Maximum Residue Levels
NCTPN	National Committee for Trade Policy Negotiations
NTMs	Non-Tariff Measures
OCT	Overseas Country or Territory
PAYE	Pay-As-You-Earn
POAO	Product of Animal Origin
PPADB	Public Procurement and Asset Disposal Board
RoO	Rules of Origin
SACU	Southern African Customs Union
SACUM	Southern African Customs Union & Mozambique
SADC	Southern African Development Community
SADC-EU EPA	Southern African Development Community-European Union Economic Partnership Agreement
SPS	Sanitary and Phyto-Sanitary
TBT	Technical Barriers to Trade
TIN	Tax Identification Number
TRACES	TRAdE Control and Expert System (TRACES)
TRQs	Tariff Rate Quotas
UK	United Kingdom
UKCA	UK Conformity Assessed marking
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, among which is the Botswana Investment and Trade Centre (BITC). BITC 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 expected 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 Botswana Investment Trade Centre (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 various regions and is undertaken in collaboration with stakeholders such as BITC, BB, and BEMA.

Trade Agreements are technically complex and challenging to understand to 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, the 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 MITI, and led and coordinated by the DIT with the support of the UNDP. The guide was prepared to add momentum towards trade promotion initiatives of the country by enhancing the business community's understanding of trade opportunities through the various trade agreements.



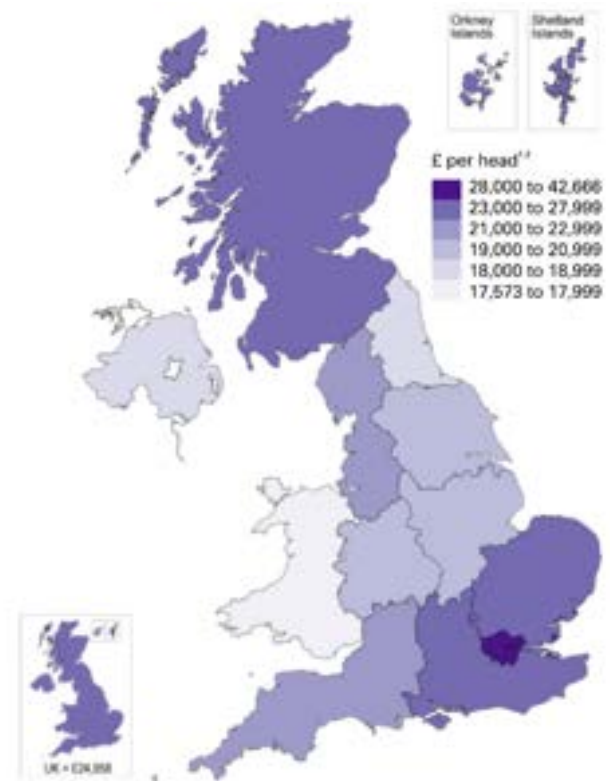
# 1. The United Kingdom: An Overview

The United Kingdom (UK) is the sixth-largest economy in the world with a GDP of over USD 2.9 trillion in 2019, 66 million people, and a GDP per capita of more than USD 49 thousand in 2019 (World Bank, 2021). There are large disparities in purchasing power between regions in the UK (Figure 1). The country is a major international trading power, with total trade of over USD 1.1 trillion (ITC Trademap, 2020).

## Some key highlights of the UK market are:

- The UK was the 5<sup>th</sup> largest importer in the world in 2019, with an import value of USD 692 billion. The country was also the 10<sup>th</sup> largest exporter in the world, with over USD 468 billion worth of exports in 2019. FDI inflows stood at USD 59.13 billion and FDI outflows stood at USD 31.5 billion in 2019 (Statista, 2021)
- The UK's imports grew at a compound annual growth rate (CAGR) of 2% between 2015 and 2019, increasing from USD 630 billion to USD 692 billion.
- The UK is the largest importer of precious stones and pearls in the world, with a share of 13.5%, or USD 89 billion, of total global imports of the product. Precious stones and pearls also make the largest imported product in the UK, with a share of around 13% of total UK imports in 2019.
- Apart from precious stones and

**Figure 1 UK's Regional per capita income, latest available year**

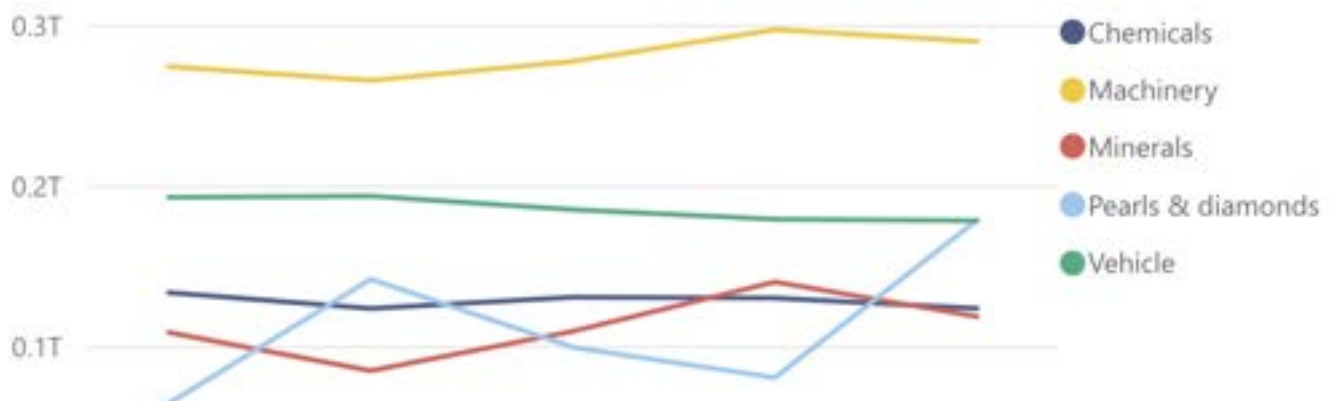


1. Regional Gross Value Added (GVA) per head has been calculated using the 'Income Approach'.  
 2. Boundaries shown are for nomenclature of territorial units for statistics (NUTS) level 1 areas.

Source: Office for National Statistics licensed under the Open Government Licence v.3.0. Contains OS data © Crown copyright 2015

pearls, the country is a major importer of mechanical and electrical machinery, vehicles, and mineral fuels.

**Figure 2 United Kingdom: Trade value by sector over time (USD), in 2019**



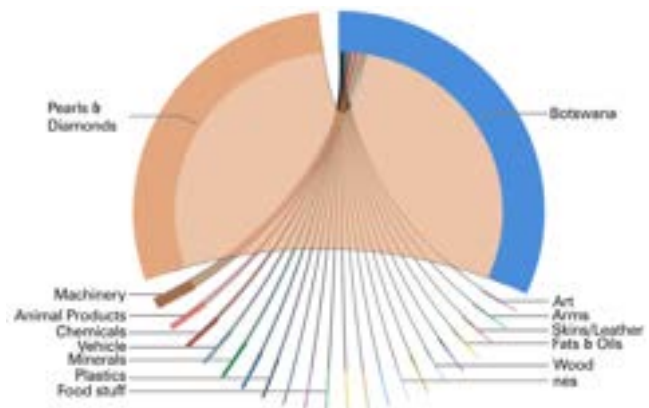
Source: IEC Trade Insights, 2021

<sup>1</sup> Purchasing Power Parity (PPP), current international USD

## 2. Botswana and the United Kingdom: 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, 90% of which are precious stones/diamonds. Apart from diamonds and precious stones, the country’s exports are distributed amongst animal products (USD 32.4 million) and electrical machinery (USD 1.1 million) (see Figure 3). This overdependence on diamonds is one of the reasons driving Botswana’s efforts to diversify the economy and its exports in particular.

Figure 3. Botswana’s export basket to the World in 2019

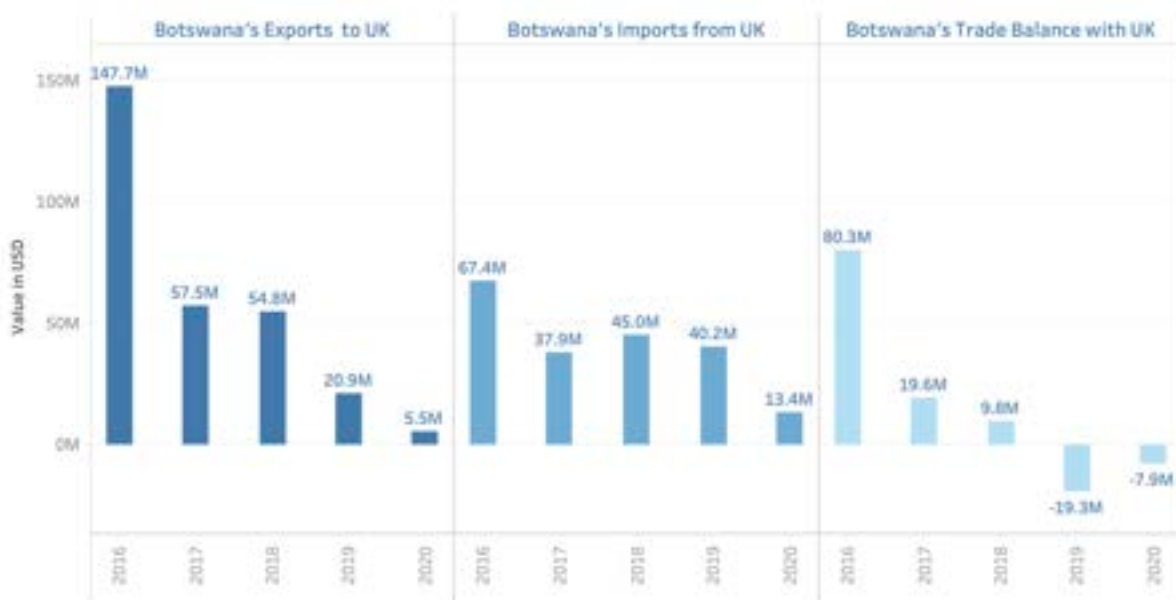


Source: IEC Trade Insights; data from UNSD Comtrade

**Botswana’s export to the UK remains minimal despite the duty-free access to the UK market** under previously the SADC-EU EPA and currently the SACUM-UK FTA. The UK is Botswana’s 16<sup>th</sup> largest export market, which accounted for 0.4% of Botswana’s total exports (by value) in 2019. Botswana and the UK have experienced a decline in bilateral trade over the last 10 years, with

Botswana’s exports fell to USD only USD 5.5 million in 2020. Similarly, Botswana’s imports from the UK also saw a fall, going down from USD 67.4 million in 2016 to USD 13.4 million in 2020 (see Figure 4). The declining trade has impacted Botswana’s trade balance with the UK as a result.<sup>2</sup>

Figure 4. Botswana’s trade with the UK, 2016-2020



Note: Data is reported by the UK. Source: ITC Trademap, 2021

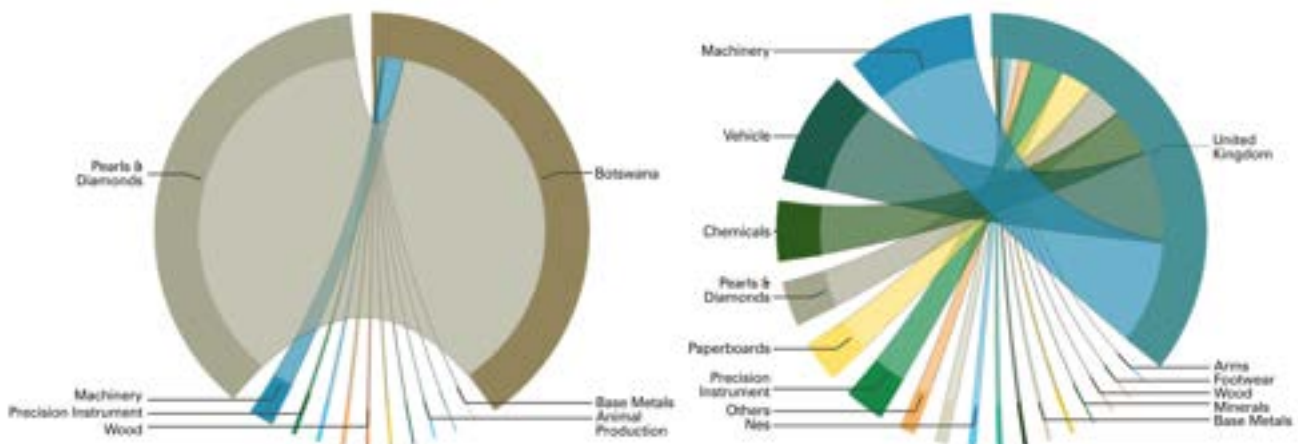
Botswana’s export basket to the UK mainly consists of diamonds and a small share of machinery, precision instrument, wood, base metals, and animal production. The

<sup>2</sup> In 2011, De Beers, the world’s largest supplier of rough diamonds, signed a deal with the Botswanan government to move their operations from London to Gaborone by the end of 2013, thus enabling Botswana to export to the world directly. Earlier, De Beers diamonds were transhipped through the UK to the world (Brinke, 2013). This caused a major disruption in Botswana-UK exports.

UK, on the other hand, has a more diverse export basket to Botswana. Besides non-industrial diamonds re-exported from the UK to Botswana for further processing, other

products in the UK's basket include machinery, vehicles, chemicals, paperboard, etc. (see Figure 5).

**Figure 5. UK import from (left) and export to (right) Botswana in 2020**



Note: Data is reported by the UK. Source: IEC based on ITC Trademap (2021)

There appears an untapped potential in the UK market for Botswana's exports besides precious stones. In comparing the top ten imported products (by HS chapter) by the UK from the World to the top ten exported products (by HS chapter) by Botswana to the World, similarities are found in six prod-

uct groups. As shown in Table 1, the product groups most exported by Botswana are also the product groups most imported by the UK. This indicates the potential for opportunities for Botswana products in the British market.

**Table 1. UK's top imports vs Botswana's top exports**

Product Rank	UK's top 10 imports in 2019		Botswana's top 10 exports to the World in 2019	
	HS Code	Product Label	HS Code	Product Label
1	'71	Pearls and Precious Stones	'71	Pearls and Precious Stones
2	'84	Machinery, mechanical	'85	Electrical machinery
3	'87	Vehicles	'02	Meat
4	'85	Electrical machinery	'84	Machinery, mechanical
5	'27	Mineral fuels, mineral oils	'28	Inorganic chemicals
6	'30	Pharmaceutical products	'87	Vehicles
7	'90	Optical, photographic, cinematographic, equipment	'25	Salt
8	'39	Plastics	'39	Plastics
9	'61	Articles of apparel and clothing accessories, knitted or crocheted	'27	Mineral fuels, mineral oils
10	'62	Articles of apparel and clothing accessories, not knitted or crocheted	'72	Iron and steel

Source: ITC Trademap, 2021

Specifically, the UK holds immense potential in terms of exports from these two sectors:<sup>3</sup>

<sup>3</sup> According to ITC (2021). Untapped export potential, obtained from International Trade Centre's Export Potential Map (database). Available from: <http://exportpotential.intracen.org/en/>

■ **Light Manufacturing:** Light manufacturing refers to a less capital-intensive industry, mainly to do with processing, assembling, fabricating, etc. In terms of manufacturing parts of machinery, Botswana has an untapped potential of USD 4.8 million to the UK, mainly in HS 8544, referring to wiring sets for vehicles.

■ **Garments and textiles:** In 2019, the UK imported around USD 32.5 billion worth of apparel and textiles, mainly from China and Bangladesh. Estimations of the potential for Botswana to export to the UK are over USD 0.6 million for the export of garments and textiles to the UK.

### 3. The SACUM-UK EPA

#### 3.1. Introduction to the EPA

Following the UK's withdrawal from the EU, the UK Government has sought to deliver the maximum possible certainty to businesses and consumers by ensuring continuity in the UK's existing trade relationships. This has been evidenced with the large number of new bilateral agreements that replicate, as far as possible, the effects of the UK's former trade arrangements with trade partners under the EU's umbrella (DIT, 2019).

The Economic Partnership Agreement (EPA) between the Southern African Customs Union Member States and Mozambique, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (the 'SACUM-UK EPA'), is among those early signed trade agreements of the UK. The SACUM-UK EPA was concluded on 9 October 2019 and officially entered into force on 1 January 2021, following the end of the UK's Brexit transition period with the EU, and the deposit of the instrument of ratifications by all parties to the agreement.

The SACUM-UK EPA establishes a free trade area between SACU member countries, Mozambique, and the UK. In essence, the SACUM-UK EPA is a rollover agreement of the existing Southern African Development Community-European Union Economic Partnership Agreement (SADC-EU EPA) to ensure the smooth transition to the new trade relationship for all parties. More particularly:

**Figure 6. SACUM-UK EPA Member States from Africa**



■ Most exports from Botswana can access the UK market duty-free and quota-free.<sup>4</sup> This represents a significant competitive advantage to Botswana's products, as it enables Botswana products to be cheaper than those originated in countries with which the UK does not have a trade agreement. The Agreement also gives Botswana, as well as Eswatini, Lesotho, Mozambique, and Namibia (the so-called "BELMN" group), a preferential margin over South Africa via differentiating the applied tariffs and quota for a broad range of products (details of which are discussed in section 3.2).

■ The SACUM-UK EPA has relatively flexible Rules of Origin (RoO), which are ex-

<sup>4</sup>Except for products under Chapter 93 – Arms and Ammunition; parts and accessories thereof. See Annex 1 to the SACUM-UK EPA (Customs Duties of the UK on Products Originating in the SACU Member States or Mozambique).



pected to facilitate intra-regional trade and promote exports. The detailed provision of RoO under this agreement is further explained in section 3.2.

■ Similar to the SADC-EU EPA, the SACUM-UK EPA prohibits the use of export subsidies on agricultural goods in the trade between the Parties. The agreement also covers commitments on trade defense, customs and trade facilitation, non-tariff measures (NTMs), as well as provides for the future negotiation of trade in services, cooperation on protection of intellectual property rights, public procurement, competition, tax governance, trade and sustainable development.

## 3.2. Specific Rules

### 3.2.1. Elimination of Customs Duties

As discussed earlier, the SACUM-UK EPA aims to facilitate the continuity in trading relationship and smooth transition of the arrangements made under the EU's umbrella. The commitments made by parties under the two EPAs, therefore, bear great similarities.

The SACUM-UK EPA allows for the immediate duty-free and quota-free access of all goods (except arms and ammunition) originating in the BELMN countries that are being exported to the UK. South Africa will enjoy a more limited scope of liberalisation of around 96% of all tariff lines, a partial liberalisation to around 3% of all tariff lines (subject to tariff rate quotas, or TRQs), and around 2% of tariff lines that have been excluded from liberalisation.

The SACU countries, on the other hand, committed to providing a gradual tariff liberalization for the goods originating in and imported from the UK with a similar scope to the commitment made to the EU: 74% of all their tariff lines are fully liberalised, 12% are partially liberalised, while 14% are excluded from liberalisation. In the case of Mozambique, it has offered to remove customs duties on 74% of its tariff lines for imports from the UK, thereby excluding 26% of the tariff lines. The TRQs provided by SACU states to the UK have been adjusted downwards<sup>5</sup> to reflect the relative size of the UK's economy compared to the EU.

### Box 1. Tariff Rate Quotas under the SACUM-UK EPA

TRQs allow a certain quantity of a product to enter the market at a zero or reduced tariff rate. Imports above the quota are subject to a higher tariff rate, usually at Most Favoured Nation (MFN) rates.

TRQs administered by the UK and SACUM partners have been re-sized to reflect the UK's relative market size compared to the EU. The TRQs were set to a sufficient level that would allow for continuity of historical trade flows between parties. Under

the SACUM-UK EPA, the TRQs granted by SACU states to the UK range from 1/10 (such as in the case of wheat and barley) to around 1/3 (such as in the case of cereal-based food preparations) of the TRQs granted to the EU.

On the other hand, the TQRs granted by the UK are only applicable to imports from South Africa, while BELMN imports will benefit from duty-free quota-free access to the UK market.

### 3.2.2. Rules of Origin

Rules of Origin (RoO) determine the economic nationality of a good covered under a trade agreement. That is, a good must originate in the territory of one of the parties to the agreement to qualify for preferential tariff rates. Most trade agreements also al-

low for cumulation rules, whereby materials originating and/or processing in a country other than the exporting party can be counted towards meeting the specific origin requirements for preferential treatment.

Protocol 1 "Concerning the Definition of the

<sup>5</sup> In comparison to the TQRs offered under the SACU-EU EPA.

Concept of ‘Originating Products’ and Methods of Administrative Cooperation” of the SACUM-UK EPA provides for two main categories in determining the origin of goods in order to benefit from the EPA preferential status, which are detailed below:

**(a) Wholly obtained**, which require that goods must be wholly obtained or produced entirely in a single country. Most agricultural products (i.e., HS01-HS24) should fall under this rule. The general rules for “Wholly obtained products” are provided in Article 7 of Protocol 1, and further elaborated in the list rules in Annexes II and II(a) of Protocol 1 to the SACUM-UK EPA.<sup>6</sup>

Example: Tomatoes grown and harvested, mineral products extracted from the soil, or live animals born and raised in Botswana being exported to the UK are regarded as ‘wholly obtained’ products.

**(b) Sufficiently worked or processed**. As per Article 8 of Protocol 1, products that are not wholly obtained in the exporting country can still qualify for the preferential market access under the EPA if these are “sufficiently worked or processed” in the territory of the parties to the agreement. This requirement means that a product can obtain preferential access if it undergoes a specific working or process or a number of workings or processes during its manufacture as specified in Annex II and Annex II (a) of Protocol 1 to the EPA. For the same product which is listed in both Annex II and Annex II (A), economic operators can choose to fulfill either the rule of Annex II or that of Annex II (A).

Generally, there are three criteria<sup>7</sup> used in determining sufficient working or processing as below:

■ **Value percentage**. This type of rule requires that a proportion of the final value of the product be added in the exporting

country. The EPA sets out different thresholds (percentage) by which the value of the non-originating materials should not exceed the ex-works price of the finished product. Example: The rule for Product of HS3808 (Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale) requires that the value of all the [non-originating] materials used (which can be imported from a country which is not a party to the agreement) does not exceed 50% of the ex-works price of the products to be able to qualify for the originating status.

■ **Change in Tariff Classification (CTC)**. Under this rule, the finished product would obtain the originating status if the non-originating materials used have a different HS tariff heading or subheading from that of the finished goods.

Example: Rules for products under HS1507 (Vegetable oils and their fractions) require that manufacture in which all the [non-originating] materials used (which can be imported from a country which is not a party to the agreement) are classified within a heading other than that of the product. If the soya oil (HS1507) is produced from soya bean (HS1207), the product is considered to have originating status.

■ **Product-specific rules (PSR)**, which indicate specific criteria to be fulfilled, or a particular process to be implemented in order for the finished product to obtain the originating status. These rules typically apply where value-percentage or CTC rules are not considered sufficient to determine the originating status.

Example: The rule for HS1704 (Sugar confectionery (including white chocolate), not containing cocoa) requires that (i) all the materials used are classified within a heading other than that of the product (i.e., CTC

<sup>6</sup> Exporters can also navigate the applicable rules for any products at the ITC Find Rules of Origin Facilitator Gateway at <https://findrulesoforigin.org/>

<sup>7</sup> These criteria are not explicitly listed in the SACUM-UK EPA, but was categorized for readers’ easy reference.

rule) and (ii) the value of any materials of Chapter 17 used does not exceed 30% 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”. Article 9 of Protocol 1 lists out certain processes that are considered as having such a minor effect on the finished product that these changes can never be regarded as conferring originating status, whether carried out individually or in a combination of processes.

Example: Textile products imported into Botswana from a non-SACUM country and undergo ‘ironing or pressing’ processes, will not be qualified to obtain the originating status under the SACUM-UK EPA.

The EPA also provides additional flexibility to product-specific rules, including tolerance and cumulation.

■ **Tolerance (or ‘de minimis’).** The SACUM-UK EPA allows for the use of non-originating materials up to 15% of the product’s ex-works price. 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 percentage), nor be applied to textiles and clothing (chapters 50-63), which are subject to their specific rules.

■ **Cumulation.** Where the value-added in one country does not amount to the required threshold to confer originating status to the products, the EPA allows for the combination of originating materials or qualifying working/processing operations without losing the originating status. Cumulation

can be divided into the following types:

- Bilateral cumulation, which allows materials originating in a SACU Member State, Mozambique, or the UK to be counted as originating materials of each other when used in the manufacturing of a product, subject to the sufficient working or processing rule.<sup>8</sup>
- Diagonal cumulation, which allows materials originating in a SACU Member State, Mozambique, the UK, other EPA States of the African, Caribbean and Pacific Group of States (ACP) or in UK Overseas Country or Territory (OCT) to be counted as originating in the concerned party when used in the manufacturing of a product, provided that certain conditions are met.
- Cumulation with EU materials and processing. The EPA allows that materials originating in the EU shall be considered as materials originating in a SACU Member State or Mozambique, or the UK when incorporated into a product obtained in the concerned party, subject to the sufficient working or processing rule.<sup>9</sup>
- Global cumulation, which allows EPA states to source non-originating materials from (i) third countries which are subject to MFN duty-free treatment in the UK , or (ii) countries benefiting from preferential duty-free quota-free access to the UK (such as under GSP and EBA schemes), and consider them as domestic content to be absorbed into the local qualifying products, subject to certain conditions.<sup>10</sup>
- Global cumulation, which allows EPA states to source non-originating materials from (i) third countries which are subject to

<sup>8</sup> Article 3, Protocol 1 on the Rules of Origin, SACUM-UK EPA.

<sup>9</sup> Article 4, Protocol 1 on the Rules of Origin, SACUM-UK EPA. The additional conditions include (i) the compliance with the sufficient working or processing rule; (ii) the concerned party has entered into an arrangement or agreement on administrative cooperation with the listed countries in which the materials or working processes originate; and (iii) the cumulation shall not be beyond a period of five (5) years starting from the date of the signature of such administrative cooperation agreement.

<sup>10</sup> Article 4a, Protocol 1 on the Rules of Origin, SACUM-UK EPA.



MFN duty-free treatment in the UK<sup>11</sup>, or (ii) countries benefiting from preferential duty-free quota-free access to the UK (such as under GSP and EBA schemes),<sup>12</sup> and consider them as domestic content to be absorbed into the local qualifying products, subject to certain conditions.

### 3.2.3. Other Provisions

The SACUM-UK EPA is a comprehensive agreement with 122 articles, seven annexes, and four protocols, with a total length of over 2,560 pages. This section aims to provide a short overview of the sections that might be of relevant concern to Botswana's exporters (in addition to the above sections on tariff reduction and RoO). Those are: (i) Customs and trade facilitation, Sanitary and Phyto-Sanitary (SPS) and Technical Barriers to Trade (TBT); and (ii) Trade remedies.

### Customs and trade facilitation, TBT and SPS

Rigid measures on customs and trade facilitation, as well as TBT and SPS measures, are typically considered the key impediments to trade. In this context, the EPA does not foresee any legally binding obligations, but rather a set of "soft law" measures that aim to solve, as much as possible, the issues raised by those elements by, for example, agreeing on good customs practices and by establishing early warning mechanisms when new TBT or SPS legislation is in the making. Customs cooperation, as well as meeting SPS and TBT standards, are singled out as possible avenues for development financing in the chapter on development cooperation. As TBT and SPS requirements are product-specific, the guide will go into detail on these when assessing the requirements to exports in Annex 3.

## Box 2. 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.<sup>13</sup>

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.<sup>14</sup>

### Trade Remedies

Trade remedies serve to protect domestic industry against unfair or injurious trading practices caused by dumped, subsidised, or unexpected surges of imports of goods. The relevant methods provided within the ambit of the World Trade Organisation (WTO)

to deal with such issues are anti-dumping, countervailing, and safeguard measures.

The SACUM-UK EPA requires that the rights and obligations of parties with respect to the application of anti-dumping or countervailing measures shall be governed by the

<sup>11</sup> Article 5, Protocol 1 on the Rules of Origin, SACUM-UK EPA.

<sup>12</sup> Article 6, Protocol 1 on the Rules of Origin, SACUM-UK EPA.

<sup>13</sup> 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](https://www.wto.org/english/tratop_e/tbt_e/tbt_e.htm)

<sup>14</sup> 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](https://www.wto.org/english/tratop_e/sps_e/spsund_e.htm)

relevant WTO Agreements. Regarding safeguards, the EPA foresees various approaches : (a) multilateral safeguards, (b) bilateral safeguards, (c) agricultural safeguards, (d) food security safeguards, (e) transitional safeguard for Botswana, Eswatini, Lesotho, and Namibia (BELN), and (f) infant industry<sup>15</sup> protection safeguards.

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 Concerned Party in such **increased quantities**, absolute or relative to domestic production, as to **cause or threaten to cause serious injury**<sup>16</sup> to the domestic industry that produces like or directly competitive products. The multilateral safeguard provisions follow the WTO rules, and the detailed specifications and applicability of the rest of the safeguard measures provided under the SACUM-UK EPA are as follows:

**Table 2. Safeguard measures in the SACUM-UK EPA**

	Bilateral safeguards	Agricultural safeguards	Food security safeguards	BELN transitional Safeguards	Infant industry protection safeguards
Beneficiary	<ul style="list-style-type: none"> <li>All parties</li> </ul>	<ul style="list-style-type: none"> <li>SACU</li> </ul>	<ul style="list-style-type: none"> <li>SACU &amp; Mozambique</li> </ul>	<ul style="list-style-type: none"> <li>BELN</li> </ul>	<ul style="list-style-type: none"> <li>BELMN</li> </ul>
Coverage	<ul style="list-style-type: none"> <li>All products</li> </ul>	<ul style="list-style-type: none"> <li>23 Agricultural products (Annex IV)</li> </ul>	<ul style="list-style-type: none"> <li>All products</li> </ul>	<ul style="list-style-type: none"> <li>60 tariff lines (Annex V)</li> </ul>	<ul style="list-style-type: none"> <li>Infant industry products</li> </ul>
Measure	<ul style="list-style-type: none"> <li>Suspension of further reduction of the duty; or</li> <li>Increase in duty up to MFN rates; or</li> <li>Introduction of tariff quotas</li> </ul>	<ul style="list-style-type: none"> <li>A duty which shall not exceed 25% of the current WTO bound tariff of 25 percentage points, whichever is higher. Such duty shall not exceed the MFN rate</li> </ul>	<ul style="list-style-type: none"> <li>Not specified</li> </ul>	<ul style="list-style-type: none"> <li>Increase in duty up to the MFN rate; or</li> <li>Introduction of a zero duty TRQ, with duty outside the quota not exceeding the MFN rate</li> </ul>	<ul style="list-style-type: none"> <li>Suspension of further reductions of the duty or increase in duty up to the MFN rate</li> </ul>
Duration of the measure	<ul style="list-style-type: none"> <li>For the UK, 2 years with a possible extension of 2 years</li> <li>For SACUM, 4 years with a possible extension of 4 years</li> </ul>	<ul style="list-style-type: none"> <li>For the remainder of the calendar year or 5 months, whichever is the longer</li> </ul>	<ul style="list-style-type: none"> <li>As soon as the circumstances leading to its adoption cease to exist</li> </ul>	<ul style="list-style-type: none"> <li>4 years, with a possible extension of 4 years</li> </ul>	<ul style="list-style-type: none"> <li>8 years</li> </ul>
Duration of the provision	<ul style="list-style-type: none"> <li>Indefinite</li> </ul>	<ul style="list-style-type: none"> <li>12 years from 10 October 2016</li> </ul>	<ul style="list-style-type: none"> <li>Indefinite</li> </ul>	<ul style="list-style-type: none"> <li>12 years from 10 October 2016</li> </ul>	<ul style="list-style-type: none"> <li>As long as the injury is a result of a reduction of the duties</li> </ul>

Source: Author's compilation

<sup>15</sup> By definition, the infant industry argument aims to protect certain industries that are in the early stages of development but may become competitive (at world prices) in the long run because costs may decrease over time by virtue of learning-by-doing effects. In order to protect an infant industry, the Government might adopt temporary tariffs or impose an import restriction on the goods which the new industry will be or is producing to shield such industries from competition, so they can generate benefits for the economy as a whole.

<sup>16</sup> The SACUM-UK EPA bilateral safeguard provisions also allow for additional consequences caused by the increased import quantities, which are disturbances (i) in a sector of the economy producing like or directly competitive product or (ii) in the markets of like or directly competitive agricultural products.

## 4. General Export Procedures

To benefit from exporting to the UK, 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 the UK's imports. These are outlined below.

### 4.1. Comply with Botswana's export requirements

#### (i) 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.

#### (ii) Obtain export licences

Certain goods require export licences to be obtained from relevant government agencies. A list of products and required support-

ing 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 the Botswana Trade Portal.<sup>17</sup>

#### (iii) Registration with BURS

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

#### (iv) 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

### Box 3. Application to export under trade agreements

Information to be included in the application letter addressed to Commissioner General are:	
■ The trade agreement you wish to export under	■ List of products intended for export, under the agreement, including tariff codes
■ Country of importation	■ List of raw materials used and their tariff codes
■ Name of the exporting company	■ State the origin criteria of your products
■ Physical address of the exporting company	Attachments to the application letter
■ Contact details: production manager's telephone number, fax number and email address.	■ Sketch Plan showing the factory layout and machinery used
■ Names of directors and their nationalities	■ Certificate of incorporation
	■ A detailed step-by-step manufacturing process of the goods intended for export

<sup>17</sup> Detailed information on the list of products and required supporting documents for export products requiring export licences can be found at <https://www.botswanatradeportal.org/bw/>

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 the 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 SACUM-UK EPA countries continue to 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 III to Protocol 1 of the EPA, and a sample of the form is provided in Annex 4 to this Guide.

#### 4.2. Comply with UK Laws and Requirements

Following the UK's official departure from the EU and the end of the transition period on 31 December 2020, exports to the UK now have a new dimension regarding the country's regulatory requirements. Nevertheless, the UK leaving the EU will not severely affect how African countries continue to trade with the UK compared to the pre-Brexit arrangements. As discussed in the previous section, the UK government has concluded multiple trade deals with an aim to preserve the continuity of trade arrangements with existing partners. Additionally, certain EU legislations, which applied directly or indirectly to the UK before the official departure (i.e., before 31 December 2020), have been retained in UK law as a form of domestic leg-

islation known as 'retained EU legislation', with the citation (year and number) remains unchanged (HM Government, 2021).

Though typically the importers are responsible for the market entry process at the UK border, exporters should familiarise themselves with the procedures, documentation, and requirements to ensure smooth export procedures. Additionally, Botswana's manufacturers must also comply with regulatory requirements such as marking and labeling to ensure successfully placing products into the UK market.

The UK provides a portal to help traders trade with the UK at <https://www.get-rules-tariffs-trade-with-uk.service.gov.uk/>. This portal allows traders to look up tariffs, taxes, and rules for specific exports from specific countries. Additionally, the UK also provides a step-by-step checklist for importing goods into the UK at <https://www.gov.uk/import-goods-into-uk>. A brief overview of the major steps in the UK's market entry process and regulatory requirement is provided below, while detailed product-specific requirements are provided in Annex 3.

##### (i) Registering EORI number

The Economic Operators Registration and Identification (EORI) number is required to move goods to or from the UK. An EORI number is required for economic operators who perform the below activities:

- appoint someone to deal with customs matters on their behalf
- make customs declarations
- use customs systems, such as the Customs Handling of Import and Export Freight (CHIEF) system and the Import Control System Northern Ireland (ICS NI)
- apply for a customs decision

Depending on the origin and destination of the goods, economic operators might need more than one EORI number. EORI numbers starting with GB are for import goods into England, Wales or Scotland, and EORI numbers starting with XI are for import goods to or from Northern Ireland.

### (ii) Entry Summary Declaration

First, to move goods into the UK, an Entry Summary Declaration (ENS) must be made before the goods arrive at their destination for clearance. The ENS is the safety and security declaration made to the Import Control System (ICS) by the carrier, not the declarant. For instance, for goods travelling from Botswana to the UK by air, the airline will be officially acting as the carrier and will be the one who must submit the ENS, whereas if the goods are being transported by sea, then the ENS must be submitted by the shipping company. A third party may lodge the ENS as long as this is done with the carrier's knowledge and consent. Thus, the latter will bear the full responsibility to ensure that the ENS is submitted within the legal time limits.<sup>18</sup>

In order to make an entry summary declaration, the carriers will need to register for the S&S GB service<sup>19</sup> (for imports into Great Britain) or the Import Control System<sup>20</sup> (for imports into Northern Ireland). A relevant EORI number is required for this step registration.

### (iii) Licences or certificates to import into the UK

This section focuses on licences or certificates to import into the UK. Normally, the importer in the UK is required to get the appropriate licences or certificates when importing specific goods (such as animals and animal products, high-risk food, human medicine, and precursor chemicals) into the

UK. Generally, whether a special licence will be required is determined by four main factors: (i) Nature of the goods; (ii) Destination of the goods; (iii) Ultimate end use of the goods; and (iv) Licensability of the trade activities.

Overall, economic operators will need to register as an importer to import products like plants or animal products, high-risk food or feed, medicines, textiles, chemicals, or firearms. Additionally, there are special rules and economic operators may need to get licences or certificates for importing any of the following categories:

- animals and animal products
- plants and plant products
- high-risk foods
- veterinary medicines
- human medicines
- controlled drugs
- tissues and cells for human application
- waste
- products containing F gas
- precursor chemicals
- hazardous chemicals
- nuclear materials
- guns, knives, swords, and other weapons
- weapons and goods that could be used for torture or capital punishment

The UK Government's website provides the list and relevant regulations to get licences or certificates.

<sup>18</sup> The minimum time requirement to submit the ENS ranges from 1 hour to 24 hours, depending on the type of transport. See <https://www.gov.uk/guidance/making-an-entry-summary-declaration>.

<sup>19</sup> See guide to register at <https://www.gov.uk/guidance/register-to-make-an-entry-summary-declaration-in-great-britain>.

<sup>20</sup> See guide to register at <https://www.gov.uk/guidance/register-to-make-an-entry-summary-declaration-in-northern-ireland>.

<sup>21</sup> Detailed on the import procedure and requirements are provided at <https://www.gov.uk/browse/business/imports>. Accessed on 4 May 2021.



**(iv) Labelling, marking, and marketing rules**  
**Marking of manufactured goods**

**Conformity marking** is required for certain goods placed on the UK market. To facilitate the Brexit transition, the EU's CE marking or other appropriate markings (such as the wheel marking or Pi marking) could still be used before 1 January 2021. Goods

that are lawfully CE-marked will be accepted in the UK until 1 January 2022 for certain products. However, economic operators should be ready to use the **UK Conformity Assessed (UKCA)** marking - the conformity assessment marking for Great Britain for most goods post-Brexit - as soon as possible. The table below illustrates the accepted markings on each relevant market.



**Table 3. Marking requirements in the UK market**

	Type of good	Accepted markings or combination of markings
<b>Placing goods on the market in Great Britain</b>	Manufactured goods being placed on the Great Britain (GB) market until the end of 2021	UKCA or CE
	Manufactured goods placed on the GB market from 1 Jan 2022	UKCA
<b>Placing qualifying Northern Ireland goods on the market in Great Britain (unfettered access)</b>	Qualifying Northern Ireland goods being placed on the GB market under unfettered access	CE or CE and UKNI

Source: gov.uk

A list of products subject to the UKCA marking requirements and guidance on how to use the UKCA marking are provided at <https://www.gov.uk/guidance/using-the-uk-ca-marking>.

**Labelling**

As a general rule for labelling, not all particular information must be included for every kind of product, but whatever information is included must be accurate. Both manufacturers and distributors (including importers) are responsible to ensure that products are correctly labelled with accurate information. There are special rules for retail, as well as specific products including precious metals, footwear, food and drink, and products for children. In addition, energy labelling is a mandatory requirement when placing certain energy-related products on the UK market.<sup>22</sup>

There exists a set of criteria for the labelling standards for packaging, its food composition and food information to be provided to consumers. Separate conditions apply for the labelling of food with respect to its country of origin. European regulations on labelling continue to apply to the UK in this aspect. In general, the following information needs to be labelled on meat and food products, with pre-packed products having some additional information needs that products that have not been pre-packed do not need to include:<sup>23</sup>

- 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 cat-

<sup>22</sup> Schedule 1 of the Energy Information Regulations 2011, which lists the energy labelling regulations which apply in GB and Northern Ireland.

<sup>23</sup> Read more on food labeling in the UK here <https://www.gov.uk/guidance/food-labelling-giving-food-information-to-consumers>

egories of ingredients;

- Net quantity of the food;
- Date of minimum durability, 'best before' date, or the 'use by' date;
- 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;

For instance, the standard requirements for the labelling of beef and veal must include its country of birth, country of rearing, country of slaughter, country of cutting, and the approval numbers of the slaughterhouse and cutting plants (DEFRA, 2020). As from 01 October 2022, beef and veal sold in the UK must be labelled as "Non-UK" when the full information is available. Yet, if every activity is carried out in a single country, the label can bear the name of its country after 01 October 2022. For example, if Botswana is exporting its home-grown beef to the UK after the entire process of fattening and slaughter has been completed in Botswana, it can be labelled as "Origin: Botswana" after 01 October 2022.<sup>24</sup>

## Marketing standards

When exporting to the UK, different mar-

keting standards apply to different sectors of the food industry, such as fruits, vegetables, wines, eggs, etc. For instance, exports of poultry meats from countries outside of the UK must be accompanied with a certificate signed by the authority of the country of origin. The certificate must assert that the poultry meat is in accordance with the Poultry meat Marketing Standards Regulations in the UK (DEFRA, 2020).

### (v) Inspection and Final Customs Procedures

Imported plant and animal products are subject to inspection at an authorised Border Control Post (BCP) before being allowed to cross the UK border. Economic operators need to:

- Inform the inspection point about the consignment in advance to save time and possible additional fee for the check; and
- Make sure the BCP is designated to check the shipment's commodity.

### (vi) Import Declaration and Clearance

Following the above exercises, a full import declaration must be made up to 90 days before the products are presented to the UK customs. Import declaration can also be submitted up to 30 days before the arrival of your goods, but it will only be formally accepted when they have actually arrived and been presented.

<sup>24</sup> More information on Food labelling and safety is provided at <https://www.gov.uk/topic/producing-distributing-food/food-labelling>.

<sup>25</sup> More information on product markings, labelling standards and marketing standards in UK is available at <https://www.gov.uk/government/collections/markings-labelling-and-marketing-standards-for-imports-and-exports#labelling-standards>.

<sup>26</sup> For a list of Border Control inspections posts regarding animal products, visit:

<https://www.gov.uk/government/publications/uk-border-control-posts-animal-and-animal-product-imports/live-animals-animal-products-and-food-and-feed-of-non-animal-origin-border-control-posts-bcp-in-the-uk/>

For a list of Border Control inspections posts regarding plants, visit:

<https://www.gov.uk/government/publications/plant-imports-authorized-points-of-entry-to-the-uk/plant-imports-authorized-border-control-posts-in-the-uk>.



#### Box 4. Information to be included in the import declaration

<p>The main information to be included in the import declaration:</p> <ul style="list-style-type: none"><li>■ customs procedure code</li><li>■ commodity code</li><li>■ the declaration unique consignment reference which is the main reference number that links declarations in the Customs Handling of Import and Export Freight (CHIEF) system or Customs Declaration Service</li></ul> <p>Additional information which are required</p>	<p>includes:</p> <ul style="list-style-type: none"><li>■ Declaration Unique Consignment Reference (DUCR)</li><li>■ departure point and destination</li><li>■ consignee and consignor</li><li>■ type, amount, and packaging of goods</li><li>■ transport methods and costs</li><li>■ currencies and valuation methods</li><li>■ certificates and licences</li></ul> <p>Source: (HMRC, 2020)</p>
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To submit the import declaration, economic operators can opt to:

(i) Submit online through the Customs Declaration Service (CDS) either by oneself, or using a Customs Agent, freight forwarder, or fast parcel operator). The CDS is

the long-term replacement for the current CHIEF (Customs Handling Imports and Export Freight) platform; or

(ii) Submit manually, using the Single Administrative Document (SAD) and associated forms.<sup>27,28</sup>

#### Box 5. Import documentation

<p>Import documentation requirements in the UK are similar to those in other countries, which include:</p> <ul style="list-style-type: none"><li>■ Import licence for goods such as firearms, food or textiles into the UK. This may also depend on where the goods are from.</li><li>■ Invoice, a copy of the transport documentation (such as a Bill of Lading) are needed for customs clearance. For goods</li></ul>	<p>worth over £6,500, a valuation statement is normally required.</p> <ul style="list-style-type: none"><li>■ Proof of origin (Certificate of Origin), showing that the goods were manufactured or produced in the preference country (in accordance with preferential rules of origin) to enjoy reduced or zero-rate import duty.</li></ul> <p>Source: (HMRC, 2017)</p>
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Subsequently, the UK customs will inform about the outcome of the declaration, and if it has been accepted, as a final step, the UK customs will also inform about the amount

of taxes and duties that need to be paid before the goods are officially cleared and can be moved out.

<sup>27</sup> UK's Import and export forms can be found at <https://www.gov.uk/guidance/import-and-export-forms#single-administrative-document--and-related-forms>

<sup>28</sup> See more on how to Make a full import declaration at <https://www.gov.uk/guidance/making-a-full-import-declaration>.

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## Annex 1. Business Registration process in Botswana

The business registration process in Botswana is managed by the Companies and Intellectual Property Authority (CIPA) within the Ministry of Trade and Industry. The process is further described below.

No.	Procedure	Estimated timeline	Associated costs
	<p><b>Reserve a unique company name</b></p> <p><b>Agency: Companies and Intellectual Property Authority (CIPA)</b> 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><b>Sign the declaration of compliance of statutory requirements for incorporation before a commissioner for oaths</b></p> <p><b>Agency: Companies and Intellectual Property Authority (CIPA)</b></p> <p>The entrepreneur or company representative must submit the following documents:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>	1 day	BWP 75
	<p><b>Register the company</b></p> <p><b>Agency: Companies and Intellectual Property Authority (CIPA)</b></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
	<p><b>Advertise the intention of applying for a licence in the official gazette</b></p> <p><b>Agency: Official Gazette</b></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
	<p><b>Receive inspection of company premises *</b></p> <p><b>Agency: Industrial Affairs Department, Ministry of Investment, Trade and Industry</b></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
	<p><b>Obtain an industrial licence or a trade licence *</b></p> <p><b>Agency: Industrial Affairs Department, Ministry of Investment, Trade and Industry</b></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>
	<p><b>Open a bank account*</b></p> <p><b>Agency: Bank</b></p> <p>All new businesses must open a company account with a bank.</p>	1 day	No charge
	<p><b>Obtain Tax Identification Number (TIN)</b></p> <p><b>Agency: Botswana United Revenue Services (BURS)</b></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
	<p><b>Register for VAT online</b></p> <p><b>Agency: BURS</b></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
	<p><b>Register employees for workplace injury insurance</b></p> <p><b>Agency: Insurance company</b></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. Product Specific Prioritisation for the UK Markets

### 1. Introduction

In order to map out product-specific requirements for Botswana’s companies to export to the UK, a list of potential products has been ranked according to their potential on the UK 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 UK.

### 2. Methodology

The products were analysed at the HS4 level

for potential product clusters. Products at an HS4 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 4.

**Table 4. 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	Bedlinen, 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

**(iii). UK Demand Dynamics.** The growth of UK imports for the last five years. Indicator 3: Average annual compound growth rate of UK imports (2015-19) in percentage. The scores in Table 5 have been assigned for growth rates.

**(iv). UK vs World Growth in Imports.** The growth of import demand from the UK in

comparison to the import demand in the world. Indicator 3: Growth rate of UK 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 UK 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 UK 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 and Mozambique region, allowed under the SACUM-UK FTA tariff arrangements is lower than those rates faced by countries that do not have a trade agreement with the UK, or that are not eligible to its preferential schemes. UK applied MFN Ad Valorem Equivalent Tariff in 2019 is used. An index for each parameter has been devised to determine a score/rank out of 100. The scores in Table 5 have been assigned for the Tariff Advantage.

**Table 5. 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 6.

**Table 6. 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 UK's imports (2015-19) p.a. %	1
4. Growth rate of UK's imports/ Growth rate of World's imports (2015-2019)	1
5. UK MFN Tariff 2019	2



### 3. Results

**Table 7. Botswana-UK trade overview**

HS 4 Code	Botswana's exports to the UK in 2019 (USD Million)	Value of imports by the UK in 2019 (USD Million)	Growth rate of UK's imports (2015-19) p.a. %	Growth rate of UK's imports/ Growth rate of World's imports (2015-2019)	Untapped export potential to UK (USD Million)	Share in imports in 2019 in the UK	UK MFN Tariff AVE, 2020
'0201	0.07	983.7	-5.7%	-1.9	0	0.1	38.6%
'0202	0	283.2	1.7%	0.2	0	0.0	55.3%
'0713	0	240.4	0.8%	-0.1	0.03	0.0	0.3%
'1302	0	232.1	3.7%	1.0	N/A	0.0	2.5%
'2501	0	101.8	6.9%	2.3	N/A	0.0	0.9%
'2836	0	168.1	0.4%	0.1	0.6	0.0	5.3%
'5808	0	9.9	-5.9%	0.4	0.05	0.0	5.2%
'6302	0	1,064.0	-1.9%	-0.9	0.4	0.2	11.7%
'8309	0	375.8	3.6%	1.1	0.05	0.1	3.0%
'8544	0	4,290.8	-0.2%	-0.1	4.8	0.6	3.2%

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

**Table 8. Product selection calculations for the UK market**

HS 4 Code	NES Sector		Growth of Botswana's Trade Balance (15-19) p.a. %		Growth rate of UK's imports (2015-19) p.a. %		Growth rate of UK's imports/ Growth rate of World's imports (2015-2019)		UK MFN Tariff AVE, 2020	
	Value	NES Sector 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	-5.7%	30	-1.9	100	38.6%	70
'0202	Meat & Meat Products	100	-12.3%	20	1.7%	50	0.2	0	55.3%	100
'0713	No	0			0.8%	50	-0.1	0	0.3%	0
'1302	No	0	27.7%	100	3.7%	50	1.0	100	2.5%	0
'2501	No	0	-4.6%	40	6.9%	60	2.3	100	0.9%	0
'2836	No	0	-2.8%	40	0.4%	50	0.1	0	5.3%	10
'5808	Artisanal Products	100	-27.5%	0	-5.9%	30	0.4	0	5.2%	10
'6302	Garments & Textiles	100	-3.2%	40	-1.9%	40	-0.9	0	11.7%	20
'8309	Light Manufacturing	100			3.6%	50	1.1	100	3.0%	0
'8544	No	0	-20.7%	0	-0.2%	40	-0.1	0	3.2%	0

Source: Author calculations based on ITC TradeMap & ITC Macmap

### 4. Selected Products

The top 5 products with the highest potential to the UK market are:

**Table 9. Priority Products**

HS 4 Code	Product label	NES Sector	Growth of Botswana's Trade Balance*(15-19) p.a. %	Growth rate of UK's imports (2015-19) p.a. %	Growth rate of UK's imports/ Growth rate of World's imports (2015-2019)	UK MFN Tariff AVE, 2020	Index Value*
'0201	Meat of bovine animals, fresh or chilled	Meat & Meat Products	-17.2%	-5.7%	-1.9	38.6%	61.3
'0202	Meat of bovine animals, frozen	Meat & Meat Products	-12.3%	1.7%	0.2	55.3%	61.3
'1302	Vegetable saps and extracts	No	27.7%	3.7%	1.0	2.5%	43.8
'6302	Bedlinen, table linen, toilet linen	Garments & Textiles	-3.2%	-1.9%	-0.9	11.7%	45.0
'8309	Stoppers, caps, and lids	Light Manufacturing		3.6%	1.1	3.0%	43.8

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

Source: Author calculations based on ITC TradeMap & ITC Macmap

## Annex 3. Product-specific export requirements

Due to Brexit, there might be on-going updates to the UK's applicable regulations. The information provided here, based on the author's understanding as of the date of this report, is of the nature of general comments only and should be taken as such. Exporters are recommended to regularly check the relevant sources for updated information on the relevant issues and seek specific advice from a qualified professional when dealing with specific situations.



The following section contains a detailed enumeration of the different requirements necessary to export five specific products into the UK.<sup>29</sup> Annex 2 provides an overview of the products selected and the selection process. The five categories of products chosen are:

Product Category (HS 4)	Specific Product (HS 10)
0201 Chilled meat (beef)	0201.10.00.21 Meat of bovines, boneless, fresh or chilled, carcasses and half-carcasses, high-quality beef and veal, Of bison
0202 Frozen meat (beef)	0202.30.10.11 Meat of bovine animals, frozen, boneless, Forequarters, whole or cut into a maximum of five pieces, each quarter being in a single block; 'compensated' quarters in two blocks, one of which contains the forequarter, whole or cut into a maximum of five pieces, and the other, the hindquarter, excluding the tenderloin, in one-piece, high-quality beef and veal
1302 Vegetable saps and extracts	1302.12.00.00 Vegetable saps and extracts; pectic substances, pectinates, and pectates; agar-agar and other mucilage and thickeners, whether or not modified, derived from vegetable products of liquorice
6302 Bed, table or toilet linen	6302.10.00.00 Bed linen, table linen, toilet linen and kitchen linen, knitted or crocheted
8309 Stoppers, caps, and lids	8309.10.00.00 Crown Corks (Including Crown Seals And Caps), And Parts Thereof, Of Base Metal <sup>30</sup>

### A. Meat (Chilled and Frozen)

This section provides requirements for exporting SACUM-UK FTA eligible products under groups HS0201 and HS0202 to the UK. The UK's requirements for the import of

meat products for human consumption from third countries are provided on the website of the Animal & Plant Health Agency.<sup>31</sup> Some key requirements are explained below.<sup>32</sup>

<sup>29</sup> It is important to note that this section only applies to Great Britain (GB), not Northern Ireland (NI) due to the Northern Ireland protocol. This protocol provides that NI has in effect remained in the EU's single market for goods, while England, Scotland and Wales have left the EU's single market for goods. See (UK Government, 2021).

<sup>30</sup> Note that products under this Subheading are subject to General Duty Free access.

<sup>31</sup> Available at <http://apha.defra.gov.uk/official-vets/guidance/bip/iin/animal-prod-hum-cons.htm> (go to Meat and Meat Products)

<sup>32</sup> See list of product-specific regulations for HS0201 and HS0202 at <https://www.get-rules-tariffs-trade-with-uk.service.gov.uk/country/bw/commodity/0201100021/104254>

**Table 10. Product Information Sheet - Meat (Chilled and Frozen)**

HS code 0201	
UK's value of imports	USD 938 million (2019)
Import growth	-5.7% (2015-2019, per annum)
Major suppliers	Ireland (75.1%), Netherland (7.6%), Poland (6.1%) (2019)
Applied Tariff	0.00%
Rules of Origin	Manufacture in which all the materials of Chapters 1 and 2 used must be wholly obtained
HS code 0202	
UK's value of imports	USD 238 million (2019)
Import growth	1.7% (2015-2019, per annum)
Major suppliers	Ireland (71.1%), Netherland (5.6%), Poland (5.5%) (2019)
Applied Tariff	0.00%
Rules of Origin	Manufacture in which all the materials of Chapters 1 and 2 used must be wholly obtained

Source: Author's compilation based on ITC Trademap

**Approved establishments**

Imports of fresh meat and meat products into the GB are subject to veterinary certification - which is based on the recognition of the competent authority of the third country by the Department for Environment, Food and Rural Affairs (DEFRA). Meat slaughters, processing plants, and cold storages in the exporting country must ensure the same

level of protection of human and animal health as required by the UK. This formal recognition of the reliability of the approved establishments by the competent authority is a prerequisite for the country to be eligible and authorised to export such products to GB. Botswana currently has five approved establishments that are approved to export to GB:

**Table 11. Botswana establishments approved to export beef to the UK**

Section	Authorisation Number	Facility Name	City Name, Botswana
Section IV Processing plants	23	Senn Foods Abattoir	Gaborone
Section VI Game trophies plants	Bot 00094/2012	Mochaba Development (PTY) Limited	Maun
Section VI Game trophies plants	Bot 00464/2012	Wild Touch Taxidermy	Francistown
Section I Meat of domestic ungulates	EST 1	Botswana Meat Commission, Establishment No. 1 Lobatse Abattoir	Lobatse
Section I Meat of domestic ungulates	EST 3	Botswana Meat Commission, Establishment No. 3, Francistown Abattoir	Francistown

Source: (DEFRA, 2021)

**Border Control Post (BCP)**

Imports of animals and animal products to GB need to pass through a Border Control Post (BCP), previously known as a Border

Inspection Post (BIP). An exporter needs to inform the BCP about their consignment in advance and needs to check if the BCP the exporter is using is designated to check the

<sup>33</sup> To know more on UK's Beef and Veal marketing standards, see <https://www.gov.uk/guidance/beef-and-veal-marketing-standards>.

shipment's items. A list of BCPs by kind is provided on the UK Government's website, as mentioned in section 4.2.

### Health certificate

Health certificates are a prerequisite for animal products entering the UK under the below categories:

- most live animals, including equines
- germinal products (semen, ova, and embryos)
- Product of Animal Origin (POAO)
- Animal by-products

All meat exports from Botswana to the GB will be subject to health certificate requirements. It is recommended that exporters check the relevant portals for updated notifications from the UK government on this issue.<sup>34</sup> Exporters must arrange the health certificate in their own country. The original certificate (not a copy) must travel with the consignment and an electronic copy must also be provided to upload to the Import of

Products, Animals, Food and Feed System (IPAFFS).

Model health certificate for fresh meat, including minced meat, of domestic bovine animals (including Bison and Bubalus species and their cross-breeds), Certificate 206/2010 GBHC070X, is to be used from 1st January 2021.<sup>35</sup>

### Labelling and Nutrition

Anyone supplying fresh or frozen beef or veal to the GB must comply with the regulations on beef labelling. Beef and veal exported to the GB need to be labelled with one of the following:

- 'age on slaughter: less than 8 months' or 'category V'
- 'age on slaughter: from 8 to less than 12 months' or 'category Z'

In general, the following information needs to be labelled on meat products (except mince or trimmings): a reference number or code

**Figure 7. Example of beef label in the UK**

<b>Tray:</b> Green trays	<b>Reference number/code:</b> MB 535 WB 14/06/07 (example only)
<b>Origin:</b> UK* -British	<b>Slaughtered in:</b> UK Slaughterhouse licence No. 1234
<b>Cut in:</b> UK Cutting plant licence No. 2345	<b>Beef. 'age on slaughter: from 8 to less than 12 months'</b>

\*where born, raised and slaughtered in the UK)

- the name of the country in which the animal or group of animals were born
- the name of the country in which the animal or group of animals were raised
- the words 'Slaughtered in: [name of country]'
- the licence number of the slaughterhouse
- the words 'Cutting/cut in: [name of country]'
- licence number(s) of the cutting plant(s)<sup>36</sup>

<sup>34</sup> List of establishments in non-EU countries that are approved to export animal products to the UK is provided at <https://data.gov.uk/dataset/4698a65d-1a3b-42d1-981e-df869e04185b/export-of-animals-and-animal-products-to-the-uk>.

<sup>35</sup> A detailed guide on "How to complete a health certificate" can be found at <https://www.gov.uk/government/publications/how-to-complete-a-health-certificate-for-imports-to-great-britain>

<sup>36</sup> This is the veterinary approval number which has been allocated to the establishment or premises, and which appears on the health mark stamp

Detailed information is provided in the **UK's Compulsory Beef Labelling Scheme**.<sup>37</sup>

### Biological Safety

The UK, same as the EU, applies 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.<sup>38</sup>

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 UK 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**.<sup>39,40</sup>

### Traceability

The UK requires that every food business that sells or supplies beef and veal meats must set up a traceability system (also called a traceability control system). The records that make up the traceability system contain reference numbers linking the traceability information to the labels on the beef. This ensures that wherever beef or veal is sold, it can be traced back to where it originated. "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. 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 tools used (ear tags, passports, bar codes) may vary from one country to another but must carry the same information.

The UK uses the IPAFFS to replace the EU's Trade Control and Expert System (TRACES) post Brexit. This is a web-based service for the application for, and issuing of, Common Veterinary Entry Documents (CVEDs) for notifying UK authorities of movements of live animals, germplasm and certain other commodities into the UK from third countries.

<sup>37</sup> Available at <https://www.gov.uk/guidance/comply-with-the-compulsory-beef-labelling-scheme>.

<sup>38</sup> To know more on EU's food hygiene policy, see [https://ec.europa.eu/food/safety/biosafety/food\\_hygiene\\_en](https://ec.europa.eu/food/safety/biosafety/food_hygiene_en)

<sup>39</sup> Please refer to Decision 2011/163 on the approval of plans submitted by third countries in accordance with Article 29 of Council Directive 96/23/EC and its annex for the list of approved trading partners. Available at <https://www.legislation.gov.uk/eudn/2011/163/article/2> .

<sup>40</sup> For details on Maximum Residue Limits, please refer to The Veterinary Medicines and Animals and Animal Products (Examination of Residues and Maximum Residues Limits) (Amendment etc) (EU Exit) Regulations 2018 and Guidance on Maximum Residues Limits (MRL), which is available at <https://www.gov.uk/guidance/maximum-residues-limits-mrl>



## B. Vegetable Saps and Extracts

This section provides requirements for exporting SACUM-UK FTA eligible products under groups HS1302 to the UK. The main specific requirements for importing vegeta-

ble saps and extracts/foodstuffs in the UK region are similar to the EU requirements. Some of the main requirements are highlighted below:

**Table 12. Product Information Sheet - Vegetable Saps and Extracts**

HS code 1302	
UK's value of imports	USD 232 million (2019)
Import growth	3.7% (2015-2019, per annum)
Major suppliers	United States (18.7%), Germany (16.1%), France (9.8%), China (9.6%)
Applied Tariff	0.00%
Rules of Origin*	<ul style="list-style-type: none"> <li>• Manufacture from non–modified mucilages and thickeners (for Mucilages and thickeners, modified, derived from vegetable products); or</li> <li>• Manufacture in which the value of all the materials used does not exceed 50 % of the ex–works price of the product (Annex (II); or</li> <li>• Manufacture in which the value of all the materials used does not exceed 60 % of the ex–works price of the product (Annex IIa)</li> </ul>

\*Exporters can opt to apply any rule among the three. Source: Author's compilation based on ITC Trademap

### Packaging and Labelling

Basic rules for labelling of foodstuff to the UK is that the label must be:

- clear and easy to read
- permanent
- easy to understand
- easily visible
- not misleading

Additionally, the label should contain certain basic information and warnings (see above section on Meat labelling).

Suitable packaging must be used for the product. Packaging marked 'for food contact' or has a symbol on it that looks like a wine glass and a fork is necessary to put the food product in the UK market. Also, there are special rules for using plastics, ceramics or cellophane for packaging. You need documentary proof on packaging material, which can be found from the packaging supplier known as a 'declaration of compliance'.

### Control of contaminants in foodstuffs

The UK 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 which could threaten human health. Pesticide residues are one of the crucial issues for fruit and vegetable suppliers. To avoid damaging consumer health and the environment, maximum residue levels (MRLs) for pesticides in and on food products are also set. 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 852/2004 of the European Parliament and of the council of 29 April 2004 (which is still applicable in the UK). 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, hygien-

<sup>41</sup> See the product-specific regulations for product HS1302 at <https://www.get-rules-tariffs-trade-with-uk.service.gov.uk/country/bw/commodity/1302120000/32290>.

ic 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 obligations<sup>42</sup> 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 EU, and the competent authority of the exporting country – Botswana – has to offer guarantees on the same.

**Traceability:** as mentioned above, traceability facilitates withdrawal of faulty food/feed from the market, provides consumers with targeted and accurate information on spe-

cific 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 - one step back-one step forward (unless specific provisions for further traceability exist).

Traceability is always required for any substance intended or expected to be, incorporated into food or feed. Food and feed operators are 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 UK market, 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 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**

This section provides requirements for exporting SACUM-UK FTA eligible products under groups HS6302 to the UK market.<sup>43</sup>

<sup>42</sup> In accordance with Regulation (EC) No 178/2002 of the European Parliament and of the Council (OJ L-31 01/02/2002) (CELEX 32002R0178)

<sup>43</sup> See the product-specific regulations for product HS6302 at <https://www.get-rules-tariffs-trade-with-uk.service.gov.uk/country/bw/commodity/6302100000/43646>

**Table 13. Product Information Sheet - Textiles**

HS code 6302	
UK's value of imports	USD 1 billion (2019)
Import growth	-1.9% (2015-2019, per annum)
Major suppliers	Pakistan (44.9%), China (15.4%), India (14.2%)
Applied Tariff	0.00%
Rules of Origin	For Blankets, travelling rugs, bed linen etc.; curtains etc.; other furnishing articles <ul style="list-style-type: none"> <li>• Of felt, of nonwovens: Manufacture from (i) natural fibres, or (ii) chemical materials or textile pulp</li> <li>• Embroidered and others: Manufacture from yarn</li> </ul>

Source: Author's compilation based on ITC Trademap

### Labelling of Textiles

Textile products can only be placed on the UK market provided that they are labelled, marked or accompanied by 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.<sup>44</sup> The label must show the exact fibre content, including fur and other animal parts. Also, if a certain textile product consists of two or more components with different fibre contents, the content of each must be shown. The responsibility of labelling compliance is in the hands of manufacturers and retailers. The general information that must be contained in the labels are:

- 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.

- Labelling or marking must be providing in English. This is subject to a temporary two year exemption for products that had already been placed on the market in the UK before 01 January 2021.

- Textile labelling falls under the Northern Ireland Protocol and therefore keeps the EU rules. These are the same as in the rest of the UK except for the above language rule and various EU references.

- The information should not contain abbreviations.

### Box 6. Specific labelling requirements for textile products

<p>In addition to the general requirements, textile producers ready to export to the UK must comply with a set of specific requirements similar to that in the EU:</p> <ul style="list-style-type: none"> <li>■ Only textile products exclusively composed of the same fibre may be labelled or marked as '100%', 'pure' or 'all'.</li> <li>■ Multi-fibre textile products shall be</li> </ul>	<p>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 or followed by their total percentage by weight.</p>
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<sup>44</sup> 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), the Textile Products (Labelling and Fibre Composition) Regulations 2012, which sets out the enforcement methods and sanctions that apply, and the Textile Products (Amendment) (EU Exit) Regulations 2018 (which amends the other two in light of Brexit)

- Textile product containing two or more textile components which 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 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 (coarse-try products, embroidered textiles, etc.).

## Restriction on the use of certain chemical substances in textile and leather products

Annex 17 of the Regulation on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) restricts the use of a large selection of chemicals in

textiles and leather. 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 7).

### Box 7. Specific chemical restrictions for textile products

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

- **Tris (2,3 dibromopropyl) phosphate**

“Shall not be used in textile articles, such as garments, undergarments and linen, intended to come into contact with the skin.”

- **Tris (aziridiny) phosphin oxide**

“Shall not be used in textile articles, such as garments, undergarments and linen, intended to come into contact with the skin.”

- **Polybrominated biphenyls (PBB)**

“Shall not be used in textile articles, such as garments, undergarments and linen, intended to come into contact with the skin.”

- **Mercury compounds** “Shall not be placed on the market, or used, as substances or in mixtures where the substance or mixture is intended for use: (c) in the impregnation of heavy-duty industrial textiles and yarn intended for their manufacture;

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

“Diocetyl tin (DOT) compounds shall not be used after 1 January 2012 in the following articles for supply to, or use by, the general public, where the concentration in the article, or part thereof, is greater than the equivalent of 0.1% by weight of tin:

- textile articles intended to come into contact with the skin,
- gloves,
- footwear or part of footwear intended to come into contact with the skin, [others- non textiles]

- **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. REACH has some conditions here if rate of leaching is below a certain limit but the wording is from UK REACH. “in articles intended to come into direct and prolonged contact with the skin such as:

- earrings,

<sup>45</sup> 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), Annex XVII - Restrictions on the manufacture, placing on the market and use of certain dangerous substances, mixtures and articles and its amendments. Available at <https://www.legislation.gov.uk/eur/2006/1907/contents>

- necklaces, bracelets and chains, anklets, finger rings,
- wrist-watch cases, watch straps and tighteners,
- rivet buttons, tighteners, rivets, zippers and metal marks, when these are used in garments,

If the rate of nickel release from the parts of these articles coming into direct and prolonged contact with the skin is greater than 0.5 µg/cm<sup>2</sup>/week.”

■ **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. “1. Azodyes which, by reductive cleavage of one or more azo groups, may release one or more of the aromatic amines listed in Appendix 8, in detectable concentrations, i.e. above 30 mg/kg (0.003% by weight) in the articles or in the dyed parts thereof, according to the testing methods listed in Appendix 10, shall not be used, in textile and leather articles which may come into direct and prolonged contact with the human skin or oral cavity, such as:

- clothing, bedding, towels, hairpieces, wigs, hats, nappies and other sanitary items, sleeping bags,
- footwear, gloves, wristwatch straps, handbags, purses/wallets, briefcases, chair covers, purses worn round the neck,
- textile or leather toys and toys which include textile or leather garments,
- yarn and fabrics intended for use by the final consumer.

2. Furthermore, the textile and leather articles referred to in paragraph 1 shall not be placed on the market unless they conform to the requirements set out in that paragraph.

3. Azodyes, which are contained in Appendix 9, ‘List of azodyes’ shall not be placed on the market, or used, as substances, or in mixtures in concentrations greater than 0.1% by weight, where the substance or the mixture is intended for colouring textile

and leather articles.”

■ **Nonylphenol and nonylphenol ethoxylates** in textile and leather processing. “Shall not be placed on the market, or used, as substances or in mixtures in concentrations equal to or greater than 0.1% by weight for the following purposes:

(3) textiles and leather processing except:

- processing with no release into waste water,
- systems with special treatment where the process water is pre-treated to remove the organic fraction completely prior to biological waste water treatment (degreasing of sheepskin).”

■ **Chromium VI compounds** in leather articles intended to come into contact with the skin. “5. Leather articles coming into contact with the skin shall not be placed on the market where they contain chromium VI in concentrations equal to or greater than 3 mg/kg (0.0003% by weight) of the total dry weight of the leather.

6. Articles containing leather parts coming into contact with the skin shall not be placed on the market where any of those leather parts contains chromium VI in concentrations equal to or greater than 3 mg/kg (0.0003% by weight) of the total dry weight of that leather part.”

■ **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. “Articles shall not be placed on the market for supply to the general public, if any of their rubber or plastic components that come into direct as well as prolonged or short-term repetitive contact with the human skin or the oral cavity, under normal or reasonably foreseeable conditions of use, contain more than 1 mg/kg (0.0001% by weight of this component) of any of the listed PAHs.

■ Such articles include amongst others:

- sport equipment such as bicycles,



golf clubs, racquets

- household utensils, trolleys, walking frames
- tools for domestic use
- clothing, footwear, gloves and sportswear
- watch-straps, wrist-bands, masks, head-bands”

■ **Perfluorooctanoic acid ('PFOA'), its salts and PFOA-related substances** in textiles for protection of workers and membranes intended for use in medical textiles.: Conditions for restriction under UK REACH are a bit more extensive on PFOA and the reference to textiles looks like they only come into force from 4 July 2023. But PFOA is also a POP so the stricter/shorter phase out might come from there. REACH restriction conditions [on Perfluorooctanoic acid (PFOA)] as below:

“1. Shall not be manufactured, or placed on the market as substances on their own from 4 July 2020.

2. Shall not, from 4 July 2020. be used in the production of, or placed on the market in:

- (a) another substance, as a constituent;
- (b) a mixture;
- (c) an article, in a concentration equal to or above 25 ppb of PFOA including its salts or 1 000 ppb of one or a combination of PFOA-related substances.

3. Points 1 and 2 shall apply from:

- (a) 4 July 2022 to:
  - (i) equipment used to manufacture semi-conductors;
  - (ii) latex printing inks.
- (b) 4 July 2023 to:
  - (i) textiles for the protection of workers from risks to their health and safety; [other bits removed as not relevant]

■ 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.

**Voluntary Standards: the 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 Ecolabel promotes the circular economy by encouraging producers to generate less waste and CO2 during the manufacturing process. The EU Ecolabel criteria, which encourage companies to de-

velop products that are durable, easy to repair and recycle, is also practised by the UK.

**D. Articles of base metal**

This section provides requirements for exporting eligible products under 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) to the UK.<sup>46</sup>

**Table 14. Product Information Sheet - Articles of base metal**

HS code 8309	
UK's value of imports	USD 376 million (2019)
Import growth	3.6% (2015-2019, per annum)
Major suppliers	Italy (17.4%), France (14.6%), Poland *14.2%), Ireland (11.7%)
Applied Tariff	0.00%
Rules of Origin	Manufacture in which all the materials used are classified within a heading other than that of the product

Source: Author's compilation based on ITC Trademap

<sup>46</sup> See the product-specific regulations for product HS8309 at <https://www.get-rules-tariffs-trade-with-uk.service.gov.uk/country/bw/commodity/8309100000/47559>



The UK is the third largest importer of Articles of base metal products under HS8309, accounting for 5.4% (370 million) of world total imports of this product in 2019. The specific regulations applied for products under this group mostly concern packaging requirements. The UK's currently applied regulation on packaging is The Packaging (Essential Requirements) Regulations 2015 (S.I. 2015/1640) and The Materials and Articles in Contact with Food (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/704). The main requirement of the regulations is that no one may place packaging on the market unless it fulfils the essential requirements and is within the heavy metal concentration limits (BIS, 2015). Generally, 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.

- 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, there are 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.

## Annex 4. Specimen of Movement Certificate EUR 1 (C/O)

According to Article 19 of Protocol 1, exporters have the options to provide either of the following documents as Proof of Origin to benefit from the preferential treatment under SACUM-UK EPA:

(i) For Approved Exporter or exporter of any consignment of originating products whose total value does not exceed EUR

6,000: An 'origin declaration', given by the exporter on an invoice, a delivery note or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified; or

(ii) For others: A movement certificate EUR 1; a specimen of which is provided below:

**Figure 8. Specimen of Movement Certificate EUR1**

**MOVEMENT CERTIFICATE**

1. <b>Exporter</b> (Name, full address, country)	<b>EUR.1 No A 000.000</b>		
	See notes overleaf before completing this form.		
3. <b>Consignee</b> (Name, full address, country) (Optional)	2. <b>Certificate used in preferential trade between</b>  ..... <p style="text-align: center;">and</p> ..... <p style="text-align: center;">(Insert appropriate countries, groups of countries or territories)</p>		
	4. <b>Country, group of countries or territory in which the products are considered as originating</b>	5. <b>Country, group of countries or territory of destination</b>	
6. <b>Transport details</b> (Optional)	7. <b>Remarks</b>		
8. <b>Item number; Marks and numbers; Number and kind of packages<sup>(1)</sup>; Description of goods</b>	9. <b>Gross mass (kg) or other measure (litres, m<sup>3</sup>, etc.)</b>	10. <b>Invoices</b> (Optional)	
11. <b>CUSTOMS ENDORSEMENT</b>  Declaration certified Export document <sup>(2)</sup> Form ..... No ..... Customs office ..... Issuing country or territory ..... Date ..... <p style="text-align: right;">..... (Signature)</p>		12. <b>DECLARATION BY THE EXPORTER</b>  I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.  Place and date ..... <p style="text-align: right;">..... (Signature)</p>	



<sup>(1)</sup> If goods are not packed, indicate number of articles or state "in bulk" as appropriate.  
<sup>(2)</sup> Complete only where the regulations of the exporting country or territory required.

<p>13. Request for verification, to:</p>	<p>14. Result of verification</p>
<p>Verification of the authenticity and accuracy of this certificate is requested.</p> <p>..... (Place and date)</p> <p>..... (Signature)</p> <p style="text-align: center;">Stamp</p>	<p>Verification carried out shows that this certificate (*)</p> <p><input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate.</p> <p><input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).</p> <p>..... (Place and date)</p> <p>..... (Signature)</p> <p style="text-align: center;">Stamp</p> <p>(*) 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 initialed 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 make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

## Figure 9. Specimen of Origin Declaration

### DECLARATION BY THE EXPORTER

I, the undersigned, exporter of the goods described overleaf,

**DECLARE** that the goods meet the conditions required for the issue of the attached certificate;

**SPECIFY** as follows the circumstances which have enabled these goods to meet the above conditions:

.....  
.....  
.....

**SUBMIT** the following supporting documents <sup>(1)</sup>:

.....  
.....  
.....

**UNDERTAKE** to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

**REQUEST** the issue of the attached certificate for these goods.

.....  
.....  
.....

.....  
*(Place and date)*

.....  
*(Signature)*

## Annex 5. Useful Links

- SACUM-UK EPA Legal text: <https://www.gov.uk/government/publications/uksa-cu-and-mozambique-economic-partnership-agreement-ms-no342019>
- Trade with the UK online tool: <https://www.get-rules-tariffs-trade-with-uk.service.gov.uk/choose-country/>
- UK Government's Information on Importing: <https://www.gov.uk/browse/business/imports>
- UK's guide on trade with SACUM: <https://www.gov.uk/guidance/summary-of-the-sacum-uk-economic-partnership-agreement-epa#history>
- Global Trade Helpdesk: <https://globaltradehelpdesk.org/en>
- International Trade Center (ITC) Find Rules of Origin Facilitator: <https://findrulesoforigin.org/>
- 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/>