

法規名稱：AGREEMENT ENTERED INTO BY AND BETWEEN THE GOVERNMENT OF THE REPUBLIC OF CHINA (TAIWAN) AND THE GOVERNMENT OF THE KINGDOM OF ESWATINI ON ECONOMIC COOPERATION

簽訂日期：民國 107 年 06 月 08 日

生效日期：民國 107 年 12 月 27 日

PREAMBLE

WHEREAS the Government of the Republic of China (Taiwan) and the Government of the Kingdom of Eswatini (hereinafter jointly referred to as the "Parties" and separately as a "Party");

RECOGNIZING the catalytic role that bilateral economic cooperation can play towards accelerating trade and investment;

DESIRING to enhance mutually beneficial bilateral trade and investment between the Parties;

CONSCIOUS that this Agreement on Economic Cooperation (hereinafter referred to as the "Agreement") will contribute to the promotion of closer links between the Parties;

HAVE AGREED as follows:

INTERPRETATION

In this Agreement, in the absence of the express provision or statement to the contrary:

"Insignificant Value" shall refer to:

- (a) for the Republic of China (Taiwan), a value of no more than NT\$12,000 as stipulated under Article 3 of the Regulations Governing Customs Clearance for Importation of Advertising Matter and Samples of the Republic of China (Taiwan); and
- (b) for the Kingdom of Eswatini, such as determined in

accordance with Schedule 4 of the Customs and Excise Act 1971 of the Kingdom of Eswatini.

## CHAPTER I INITIAL PROVISIONS

### ARTICLE 1 Objectives

The Parties enter into this Agreement to ensure sustainable development that seeks to protect and preserve the environment and to explore new areas of economic, trade and investment through various methods, such as engaging in cooperation and personnel exchanges and other types of cooperation as provided in this Agreement or agreed by the Parties.

## CHAPTER II BILATERAL COOPERATION

### ARTICLE 2 Economic Cooperative Programs

In order to raise the standards of living and ensure full employment and a large and steadily growing volume of real income and effective demand, the Parties agree to the following Economic Cooperative Programs:

#### (a) Trade Cooperation

- (i) The Parties reaffirm their rights and obligations under the Marrakesh Agreement Establishing the World Trade Organization (hereinafter referred to as the "WTO Agreement"), in particular the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures.
- (ii) The Parties shall cooperate in the fields of standardization, metrology, conformity assessment and quality infrastructure, with the aim of enhancing mutual understanding and promoting economic and trade relations and thereby eliminating technical barriers to trade.
- (iii) The Parties shall cooperate on sanitary and phytosanitary measures for the protection of human, animal and plant life.

- (iv) The Parties will cooperate in addressing supply side constraints with the aim of increasing competitiveness of the Parties at industry level. Such cooperation may include, but is not limited to, areas of innovation, production, technology, distribution, marketing and financing.
- (v) For purposes of maintaining sustainable economic development, fostering growth and prosperity and increasing wealth and welfare, the Government of the Republic of China (Taiwan) will eliminate tariffs on the products listed in the List of Products of the Republic of China (Taiwan) as provided in Annex I at entry into force of this Agreement, save for sugar (Annex I-A), natural honey (Annex I-B) and avocados (Annex I-C), which will be subject to annual tariff rate quota treatment.

(b) Investment Cooperation

- (i) The Parties shall require their designated agencies to hold regular consultations with investors of the Republic of China (Taiwan) in order to assist such investors with addressing issues and barriers to their investments, and providing investment incentives, including but not limited to stable electricity prices and improving the quality of facility maintenance to factories and buildings.
- (ii) The Government of the Kingdom of Eswatini shall from time to time provide the Government of the Republic of China (Taiwan) with the information relating to its participation in African economic integration, including new market access opportunities created with third parties and shall assist the Government of the Republic of China (Taiwan) to use the Kingdom of Eswatini as a base in strengthening its investments in the African economy.

(c) Export Processing Zones Cooperation

The Export Processing Zone Administration of the Republic of

China (Taiwan) shall engage in management experience exchanges, research and development and provide training programs to the special economic zones of the Kingdom of Eswatini.

(d) Technical Cooperation

- (i) The Parties shall establish a technical cooperation mechanism in order to develop the major areas of agriculture, tourism, environment, education, information and communications technology, and public health and medicine, including agricultural products processing, energy, mining, healthcare, vocational education, as well as other initiatives.
- (ii) The Parties will encourage studies aiming at identifying potential investment sectors to develop clusters on agro industrial activities.

(e) Personnel Exchange and Cooperation

The Parties shall establish a professional personnel exchange and cooperation mechanism in order to promote the growth and development of their respective economies. For these purposes, the Parties may cooperate through:

- (i) dispatching experts and scholars for exchange visits in order to provide assistance relating to the development of specific industry chains; and
- (ii) with respect to agreed fields of industry cooperation, engaging in personnel exchanges by way of research and study, experience sharing, consultations, professional training, among others.

### CHAPTER III INVESTMENT PROMOTION AND PROTECTION

#### ARTICLE 3 Investment Promotion

1. The Parties recognize the importance of promoting cross-border investment flows and technology transfers as means for achieving economic growth and development. In order to increase investment flows, the Parties may cooperate through:

- (a) exchanging information, including potential sectors and investment opportunities, laws and regulations, so as to increase awareness on their investment environments;
  - (b) encouraging and supporting investment promotion activities such as investment conferences, fairs, exhibitions and investment promotion missions;
  - (c) discussing the possibility of negotiating bilateral investment promotion and protection agreements with a view to furthering investment flows and technology transfer; and
  - (d) developing mechanisms for investments conducted by the private sector on the basis of commercial considerations.
2. The Parties recognize that the objective of investment promotion shall be in conformity with their respective national legislation.

#### CHAPTER IV CUSTOMS PROCEDURES AND COOPERATION

##### ARTICLE 4 Rules of Origin

In order to qualify for the trade cooperation in Article 2(a)(v), the imports listed in the List of Products of the Republic of China (Taiwan) in Annex I of this Agreement shall meet the requirements of rules of origin as stipulated in Annex II of this Agreement.

##### ARTICLE 5 Duty-Free Importation of Certain Commercial Samples and Printed Advertising Material

Each Party shall authorize the duty-free importation of commercial samples of Insignificant Value and printed advertising materials from the territory of the other Party.

##### ARTICLE 6 Customs Valuation

1. The Agreement on the Implementation of Article VII of the General Agreement on Tariffs and Trade of 1994 (hereinafter referred to as the "Agreement of the WTO on Customs

Valuation") shall govern customs valuation rules applied by the Parties to their mutual trade.

2. The Parties shall cooperate with a view to reaching a common approach to issues relating to customs valuation.

#### ARTICLE 7 Facilitation of Customs Procedures

The Parties shall take all necessary measures to facilitate the customs procedures for originating products.

#### ARTICLE 8 Customs Cooperation

The Parties commit themselves to developing customs cooperation mechanisms to ensure that the provisions on trade are observed. For this purpose they shall establish a dialogue on customs matters and provide mutual assistance.

### CHAPTER V TRADE REMEDIES

#### ARTICLE 9 Antidumping, Subsidies and Countervailing Measures

In the application of antidumping or countervailing measures and with respect to subsidies, the Parties shall be governed by their respective legislation which shall be consistent with the WTO Agreement.

#### ARTICLE 10 Safeguard Measures

The rights and obligations of the Parties with respect to safeguard measures shall be governed by Article XIX of the GATT 1994 and the WTO Agreement on Safeguards.

### CHAPTER VI INTELLECTUAL PROPERTY

#### ARTICLE 11 Intellectual Property

In line with their rights and obligations under the WTO

Agreement on Trade-related Aspects of Intellectual Property, the Parties agree to:

- (a) promote the importance of intellectual property rights in fostering trade in goods and services, innovation, and economic, social and cultural development;
- (b) promote the effective protection, enforcement and maintenance of intellectual property rights; and
- (c) recognize the need to achieve a fair balance among the rights of intellectual property rights holders, the legitimate interest of users and the wider interest of the public with regard to protected subject matters.

## CHAPTER VII TRANSPARENCY

### ARTICLE 12 Publication

Each Party shall promptly publish its laws, regulations, procedures and administrative rulings of general application regarding any matter covered by this Agreement.

## CHAPTER VIII FINAL PROVISIONS

### ARTICLE 13 Exceptions

No provision of this Agreement shall be interpreted to prevent the Parties from adopting or maintaining exception measures consistent with the rules of the WTO Agreement.

### ARTICLE 14 Joint Committee

1. A Joint Committee is hereby established.
2. The Joint Committee shall comprise of representatives from each Party appointed by the Minister of Economic Affairs of the Republic of China (Taiwan) and the Minister of Commerce, Industry and Trade of the Kingdom of Eswatini or their representatives.
3. The tasks of the Joint Committee shall be to:
  - (a) promote the effective administration and implementation of

- this Agreement;
- (b) facilitate regular communication and consultation between the Parties;
  - (c) facilitate the exchange of information at the request of either Party;
  - (d) periodically review the possibility of further removal of obstacles to trade between the Parties; and
  - (e) within six (6) months of entry into force of this Agreement, define priority sectors for technical cooperation and request the Parties respective relevant authorities to identify specific projects and establish mechanisms for their implementation.
4. The Joint Committee shall establish its own rules of procedure.
5. The Joint Committee shall establish subcommittees for any purpose under this Agreement.

#### ARTICLE 15 ENTRY INTO FORCE

This Agreement shall enter into force thirty (30) days after the Parties have formally notified, through diplomatic channels, the completion of the domestic procedures necessary to that effect.

#### ARTICLE 16 MISCELLANEOUS PROVISIONS

- 1. Either Party may terminate this Agreement by giving one (1) year written notice of its intention to terminate to the other Party through diplomatic channels.
- 2. This Agreement may be amended in writing by mutual consent of the Parties through the Exchange of Notes between the Parties through diplomatic channels.
- 3. This Agreement shall include the Annexes thereto, and all future legal instruments agreed pursuant to this Agreement.
- 4. Each Party shall designate and notify to the other Party a contact point to facilitate communications between the Parties on any matter covered by this Agreement. At the





request of a Party, the other Party's contact point shall identify the office or official responsible for the matter and assist, as necessary, in facilitating communication with the requesting Party.

DONE at on this day of 2018 in the English language.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

FOR THE GOVERNMENT OF  
REPUBLIC OF CHINA(TAIWAN)

FOR THE GOVERNMENT OF  
THE KINGDOM OF ESWATINI

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Jong-Chin Shen  
Minister,  
Ministry of Economic  
Affairs

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Honourable Jabulani C. Mabuza  
Minister,  
Ministry of Commerec,  
Industry and Trade