

PART II

ADDITIONAL SEYCHELLES EXPLANATORY NOTE

1. For the purpose of Part II: –

- (a) The applicable Rate of Duty expressed in the Regulations shall either be specific or ad valorem.

Column 5 provides for the “Rate of Duty”. This column is further divided into four (4) sub columns, namely “MFN”, “COMESA FTA”, SADC FTA and “European Union”, which contain the respective rate of duty to be applied on imports based on the origin of the products and subject to their applicable tariff lines or sub heading.

1. The “**MFN**” sub column sets forth the rates of duty applicable to goods imported from countries other than those forming part of the COMESA FTA, SADC FTA and countries of the European Union with which Seychelles have concluded iEPA agreement.
2. The “**COMESA FTA**” sub column represents the rate of duty applicable on certain categories of products originating from countries forming part of the COMESA FTA.
3. The “**SADC FTA**” sub column, which is further divided into five (5) columns, reflects the rate of the duty that will be applicable, for the five (5) year period of 2017 to 2021, on certain categories of products originating from countries forming part of the SADC FTA.
 - The applicable dates for the **SADC FTA** rate of duty shall be from 1st May of the base year to 30th April of the subsequent year.
 - The applicable rate of duty shall appear in columns 7 to 11 of the tariff table indicated by the year the respective rate (s) of duty shall apply.
 - Given the nature of the effective date of the SADC FTA rate of duty, some of the cells of columns 7 to 11, illustrating the applicable rate of duty, have been split into 2 parts to accommodate the rate of duty that will be applicable for the first and the second part of the respective year heading columns 7 to 11.

- The top split of the cell shall display the applicable rate of duty for the period 1st January to 30th April and shall be preceded by the symbol (*).
 - The bottom split of the cell shall display the applicable rate of duty for the period 1st May to 31st December and shall be preceded by the symbol (+).
4. The “**European Union**” sub columns, which is further divided into five (5) columns, reflects the five (5) year rate of duty applicable to certain categories of imported products originating from countries of the European Union with which Seychelles have concluded an interim Economic Partnership Agreement (iEPA).
 5. The **SADC FTA** phase down rate of duty shall be applicable from 30th April 2018, 2019, 2020, 2021 and 2022 respectively.
 6. **European Union** phase down rate of duty shall be applicable from January 1 2018, 2019, 2020, 2021 and 2022 respectively.
- (b) When a rate of duty in sub column 5 “**General**” in respect of any goods consists of two parts separated by the word “or”, each part shall be deemed to be a separate and complete rate of duty and the rate of duty yielding the higher amount of duty payable shall be applicable in respect of such goods.
 - (c) A heading number placed in square brackets indicates the corresponding heading has been deleted. (Example: heading [41.08]).
 - (d) For the purpose of heading 21.06 the term “Dietary Supplements” means any product consumed orally in forms such as tablets, capsules, soft gels, gel caps, liquids, or powders used to supplement diet by increasing total dietary intake containing a combination of the following –
 - (i) Vitamin;
 - (ii) Minerals;
 - (iii) Herbs or other botanicals;
 - (iv) Amino acids;
 - (v) Concentrates, metabolites, constituents or extracts.
 - (e) For purposes of heading 84.19 “Solar water heater (SWH)” shall mean a device that converts the sun’s radiation into heat for heating water using a solar thermal collector. A variety of configurations are available depending on the climate and altitude. Active or passive SWH system is composed of the collector to convert the radiation into heat, tank to store the hot water, pipes to pass the water and/or working fluid, valves to connect the system, pump in case of active system and other small fittings, such as thermostatic

or other safety valves. Wide range of collectors including flat plate, glazed/unglazed, concentrating, evacuated tubes are available.

(f) For purposes of heading 85.39, the following expressions shall have the meaning hereby assigned to them:

1. Fluorescent lamps are a type of lamps use fluorescence to produce visible light. They are a type of gas discharge lamp that uses electricity emitted from cathodes to excite mercury vapor contained within the glass envelope. They have a gas filled tube which is twisted or folded to fit into the space of an incandescent bulb and require a ballast to regulate the current flow attached in the base of the lamp (self-ballast). Light is emitted by the phosphor coating as electricity flows through the gas in the tube. Available in few varieties of shapes, lengths, diameters, wattages, colour temperatures and other lightning characteristics.
2. Light Emitting Diode (LED) lamps consists of glass or plastic envelope, one or more LED, circuitry to rectify AC power and to convert voltage to a level usable by the LEDs, and a base (e.g. screw, bayonet or bi-pin type) for fixing in the lamp holder. The light from these lamps is produced by one or more LEDs. Certain lamps may contain a heat sink.

These lamps are of various shapes e.g., spherical (with or without neck), pear or onion shaped, flame shaped; tubular (straight or curved) with variations on the length and diameter; includes products that are specific for retrofitting existing fixtures of fluorescent lamps and products that are intended to fit new and specific fixtures.

(g) For purposes of heading 85.41, a photovoltaic system means a system consisting of an arrangement of several components, including solar panels to absorb and convert sunlight into electricity, a solar inverter to convert the electric current from DC to AC, as well as mounting, cabling and other electrical accessories to set up a working system. It may also use a solar tracking system to improve the system's overall performance and include an integrated battery solution and all associated power electronics.

(h) For the purposes of heading 87.08, the following expressions shall have the meaning hereby assigned to them:

1. "Nose cut" means the front end cut of a vehicle comprising of the following components as a unit: headlamps, bumper, grill, top brace, AC condenser and pipes, tail lamps and indicators, radiator, front cross-member, tip of both fender and bumper bracket.
2. "Front cut" means the front cut of a vehicle comprising of all components mentioned in (1) above plus the following as a unit: front

suspension, bonnet, both fenders, both chassis, bulkhead, cross-member, engine compartment, dashboard, wiring, complete engine and gear box, driveshaft and front hub, apron panel and rear front pillar and front windscreen pillar.

3. "Half cut" means the front end cut of a vehicle comprising of all components mentioned in (1) and (2) above plus the following as a unit: both front doors and upholstery, part of the side skirts and front seats, part of the floorboard and interior carpet, front windscreen, part of the roof panel and handbrake assembly (assy.).
4. "Rear cut" means the rear half cut of a vehicle comprising of the following components as a unit: part of the floorboard, rear doors and upholstery, rear floor panel, rear windscreen, lamps, rear bumper and both rear quarter panels, part of the rear roof, rear boot door, rear hub, rear suspension, rear roof panel support (rear pillar).

(i) For purposes of Chapter 87:

- i. an incomplete or unfinished vehicle is classified as the corresponding complete or finished vehicle, provided that it has the essential character of the latter, as for example:
 - [A] A motor vehicle, not yet fitted with the wheels or tyres and battery.
 - [B] A motor vehicle not equipped with its engine or with its interior fittings.
 - [C] A bicycle without saddle and tyres.
- ii. "Hybrid Electric Vehicle (HEV)" means a motor vehicle which has the combination of an internal combustion piston engine and one or more electric motors. For the purposes of mechanical propulsion, the vehicle draws energy from both a consumable fuel and an electrical energy/power storage device (such as electric accumulator, capacitor, flywheel/generator).
- iii. "Plug-in Hybrid Electric Vehicle (PHEV)" means a motor vehicle which has the combination of an internal combustion piston engine and one or more electric motors. For the purposes of mechanical propulsion, the vehicle draws energy from both a consumable fuel and an electrical energy/power storage device which can be charged by plugging it into an electrical power grid outlet or charging station.
- iv. "Electric Vehicles (EVs)" means a motor vehicle which is propelled by one or more electric motors powered by electric accumulator packs.

- v. For the classification of HEVs, any motor vehicle (including motor cycle) not satisfying the definition provided for under (i), (ii) and (iii) shall, for the purpose of these Regulations, be classified as a conventional motor vehicle or motor cycle.

(j) Classification of “Quad Vehicles” designed to be ridden by children:

Wheeled toys powered by internal combustion piston engines designed to be ridden by children, so-called “Quad vehicles”, are classified in chapter 95 providing they comply with all of the following:

1. A speed not exceeding 20kph (approximately 12.5mph)
2. A net weight not exceeding 50kg
3. A cylinder capacity not exceeding 49cc
4. One speed transmission
5. Only one back wheel brake system

- (k) The classification of certain kind of motor vehicles under **heading 87.03** is determined by certain features which indicate that the vehicles are principally designed for the transport of persons rather than for the transport of goods under heading 87.04. Generally, these vehicles would have a gross weight of less than 5 tonnes and which have a single enclosed interior space an area for the driver and passengers and another area that may be used for the transport of both persons and goods.

This category of motor vehicles, would normally include “multipurpose” vehicles (e.g., van-type vehicles, sports utility vehicles, certain pick-up type vehicles). The following features are indicative of the design characteristics generally applicable to the vehicles which fall within heading 87.03:

- (i) Presence of permanent seats with safety equipment (e.g., safety seat belts or anchor points and fittings for installing safety seat belts) for each person or the presence of permanent anchor pints and fittings for installing seats and safety equipment in the area behind the area for the driver and front passengers; such seats may be fixed, fold-away, removable from anchor points or collapsible;
- (ii) Presence of rear windows along the two side panels;
- (iii) Presence of sliding, swing-out or lift-up door or doors, with windows, on the side panels or in the rear;
- (iv) Absence of a permanent panel or barrier between the area for the driver and front passengers and the rear area that may be used for the transport of both persons and goods;

- (v) Presence of comfort features and interior finish and fittings throughout the vehicle interior that are associated with the passenger areas of vehicles (e.g., floor carpeting, ventilation, interior lighting, ashtrays).
- (l) The classification of certain motor vehicles under **heading 87.04** is determined by certain features which indicate that the vehicles are designed for the transport of goods rather than for the transport of persons under heading 87.03. These features shall be used in determining the classification of motor vehicles, generally vehicles having a gross vehicle weight rating of less than 5 tonnes, which have either a separate closed rear or an open rear platform normally used for the transport of goods, but may have bench-type seats that are without seat belts, anchor points or passenger amenities and that fold flat against the sides to permit full use of the rear platform for the transport of goods. Included in this category of motor vehicles are those commonly known as “multipurpose” vehicles (e.g., van-type vehicles, pick up type vehicles and certain sports utility vehicles). The following features listed below are indicative of the design characteristics generally applicable to the vehicles which fall within heading 87.04:
- (i) Presence of bench-type seats without safety equipment (e.g., safety seat belts or anchor points and fittings for installing safety seat belts) or passenger amenities in the rear area behind the area for the driver and front passengers. Such seats are normally fold-away or collapsible to allow full use of the rear floor (van-type vehicles) or a separate platform (pick-up vehicles) for the transport of goods;
 - (ii) Presence of a separate cabin for the driver and passengers and a separate open platform with side panels and a drop-down tailgate (pick-up vehicles);
 - (iii) Absence of rear windows along the two side panels; presence of sliding, swing-out or lift-up door or doors, without windows, on the side panels or in the rear for loading and unloading goods (van-type vehicles);
 - (iv) Presence of a permanent panel or barrier between the area for the driver and front passengers and the rear area;
 - (v) Absence of comfort features and interior finish and fittings in the cargo bed area which are associated with the passenger areas of vehicles (e.g., floor carpeting, ventilation, interior lighting, ashtrays).
- (h) Where any other Preferential Duty is lower than the COMESA Duty, then the lower duty will apply as the applicable COMESA FTA rate of duty.
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