



**EAST AFRICAN COMMUNITY  
SECRETARIAT**

**6<sup>TH</sup> EAC REGIONAL FORUM ON NON-TARIFF BARRIERS**

**12<sup>TH</sup> – 13<sup>TH</sup> MARCH, 2012**

**NYALI INTERNATIONAL BEACH HOTEL**

**MOMBASA, KENYA**

**REPORT OF THE MEETING  
(REF: EAC/ / /2012)**

**EAC SECRETARIAT  
ARUSHA, TANZANIA  
MARCH, 2012**

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## **EAST AFRICAN COMMUNITY**

### **EAC REPORT OF 6<sup>TH</sup> REGIONAL FORUM ON NON-TARIFF BARRIERS**

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#### **1.0 OPENING OF THE MEETING**

##### **1.1 Introduction**

The EAC meeting of the 6<sup>th</sup> Regional Forum on Non-Tariff Barriers (NTBs) was held from 12<sup>th</sup> – 13<sup>th</sup> March, 2012 at Nyali International Beach Hotel, Mombasa, Kenya in accordance with EAC Calendar of Activities for January –June, 2012.

The meeting was attended by the Members of the National Monitoring Committees (NMCs) from the EAC Partner States, TradeMark East Africa, EAC Secretariat and the Chairperson of Federation of East Africa Freight Forwarders. The list of participants is attached hereto as **Annex I**.

##### **1.2 Constitution of the Bureau**

Mr. Eliazar B. Muga, Senior Assistant Director, Ministry of East African Community, Republic of Kenya chaired the meeting while Mr. Nathan Gashayija, Director of Economic & Financial Sectors, Ministry of East African Community Affairs, Republic of Rwanda was the Rapporteur.

### 1.3 Adoption of the Agenda

The agenda was adopted with minor amendments and is hereto attached as **Annex II**.

### 1.4 Statement by EAC Secretariat

The Director General (Customs and Trade), Mr. Peter Kiguta, on behalf of the Secretary General welcomed the delegates to Mombasa, and thanked the Republic of Kenya for accepting to host the meeting.

He informed the meeting that the EAC Dedicated Ministerial Meeting on NTBs is being held in accordance with the decision of the Sectoral Council on Trade, Industry, Finance and Investment (SCTIFI) held on 3<sup>rd</sup> November 2011 which among others directed the EAC to convene the meeting to work on modalities of eliminating identified NTBs.

The report of the 6<sup>th</sup> EAC Regional Forum on NTBs will form the main reference material for the Ministerial session and therefore called the meeting to deliberate on the agenda exhaustively.

He further informed the meeting that after the Ministerial meeting, the Ministers will proceed to Nairobi on 15<sup>th</sup> March 2012 to brief the Chairperson of the Summit on the way forward on eliminating NTBs in the EAC Time Bound Programme on NTBs.

The DG (C&T) wished the meeting fruitful deliberations and officially declared the meeting opened.

## 2.0 UPDATING OF EAC TIME BOUND PROGRAMME ON ELIMINATION OF IDENTIFIED NON-TARIFF BARRIERS

The meeting took note of the quarterly reports of NMCs and updated the EAC Time Bound Programme on elimination of identified NTBs. The updated programme is hereto attached as **Annex III**.

**The meeting recommends to the EAC Dedicated Ministerial meeting on Non-Tariff Barriers to:**

- (a) take note of the resolved NTBs;
- (b) to take note of the status/recommendations of each unresolved NTBs and give a way forward; and
- (c) urge the Partner States' NMCs to address the new NTBs prior to the next EAC Regional Forum meeting.

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### **3.0 CONSIDERATION OF THE INCEPTION REPORT OF THE STUDY ON DEVELOPMENT OF A LEGALLY BINDING ENFORCEMENT MECHANISM ON THE ELIMINATION OF IDENTIFIED NON-TARIFF BARRIERS**

The Agri Europe S.A. Consultant presented the Inception Report on the study on development of the legally binding enforcement mechanism on the elimination of identified non-tariff barriers. The objective of the report was to gauge the understanding of the terms of reference of the study. The report is hereto attached as **Annex IV**.

After the presentation, the meeting made the following comments:


- (a) the ultimate goal of the study is to propose a Draft Bill on Legally Binding Enforcement Mechanism;
- (b) arbitration process to be considered alongside the legal process;
- (c) took note that EAC Treaty is intergovernmental and the legal mechanism should hold institutions imposing NTBs responsible; and
- (d) commended the Consultant for a well prepared Inception Report which addressed the Terms of Reference.

**The meeting recommends to the EAC Dedicated Ministerial meeting on Non-Tariff Barriers to:**

- (a) commend the Consultant for a well prepared Inception Report; and
- (b) direct the Consultant to undertake and finalize the study by May 2012.

### **4.0 ANY OTHER BUSINESS**

There being no other business, the meeting ended at 1:30 pm.

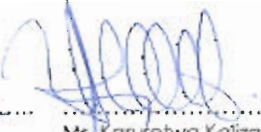


Signed this 13<sup>th</sup> day of March, 2012 by the Heads of Delegation as hereunder:



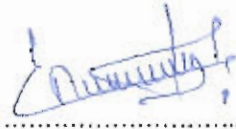
Mr. Samuel Magere  
Chief Trade  
Development Officer  
Ministry of Trade

THE REPUBLIC OF  
KENYA



Ms. Karurehwa Kaliza  
Director General  
Ministry of Trade and  
Industry

THE REPUBLIC OF  
RWANDA



Ms. Marie-Therese  
Muyuku  
Principal Advisor in  
Economic Affairs  
Second Vice Presidency  
THE REPUBLIC OF  
BURUNDI



Mr. Bernard Damas  
Haule  
Assistant Director  
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Mr. Atwine Erimmanuel  
Commercial Officer  
Ministry of Trade, Industry  
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THE REPUBLIC OF  
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